

UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF NEW YORK
 MARY VAN BRUNT-PIEHLER,

Plaintiff,

v.

ABSOLUTE SOFTWARE, INC., ABSOLUTE
 SOFTWARE CORPORATION, GEOFF HAYDON,
 THOMAS KENNY, and TODD AWTRY,

Defendants.

Civil Action No.
 16-CV-6313-EAW-MWP

DESIGNATION OF RECORD ON APPEAL

| Date Filed | # | Docket Text |
|------------|-------------------|---|
| 05/18/2016 | 1 | COMPLAINT against Absolute Software Corporation, Absolute Software, Inc., Todd Awtry, Geoff Haydon, Thomas Kenny \$ 400 receipt number 0209-2533423, filed by Mary Van Brunt-Piehler. (Attachments: # 1 Civil Cover Sheet, # 2 Summons)(Thomas, J.) (Entered: 05/18/2016) |
| 05/19/2016 | | Case assigned to Hon. Elizabeth A. Wolford. (TF) (Entered: 05/19/2016) |
| 05/19/2016 | 2 | Summons Issued as to Absolute Software Corporation, Absolute Software, Inc., Todd Awtry, Geoff Haydon, Thomas Kenny. (TF) (Entered: 05/19/2016) |
| 05/20/2016 | 3 | Summons issued as to Absolute Software, Inc., Todd Awtry, Geoff Haydon, Thomas Kenny. (TF) (Entered: 05/20/2016) |
| 07/15/2016 | 6 | Corporate Disclosure Statement by Absolute Software Corporation, Absolute Software, Inc. identifying Corporate Parent Absolute Software Corporation for Absolute Software, Inc... (Singer, David) (Entered: 07/15/2016) |
| 07/15/2016 | 7 | ANSWER to 1 Complaint, by Absolute Software Corporation, Absolute Software, Inc..(Singer, David) (Entered: 07/15/2016) |

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| 07/18/2016 | 8 | TEXT ORDER REFERRING CASE to Magistrate Judge Hon. Marian W. Payson for all pretrial matters excluding dispositive motions. IT IS SO ORDERED.. Signed by Hon. Elizabeth A. Wolford on 7/18/16. (TF) (Entered: 07/18/2016) |
| 11/21/2016 | 26 | AMENDED ANSWER to 1 Complaint, by Absolute Software Corporation, Absolute Software, Inc., Todd Awtry, Geoff Haydon, Thomas Kenny. (Singer, David) (Entered: 11/21/2016) |
| 07/24/2017 | 34 | AMENDED COMPLAINT against All Defendants, filed by Mary Van Brunt-Piehler.(Thomas, J.) (Entered: 07/24/2017) |
| 07/25/2017 | 35 | MOTION to Amend/Correct 34 Amended Complaint by Mary Van Brunt-Piehler. (Attachments: # 1 Memorandum in Support, # 2 Affidavit, # 3 Exhibit)(Ferris, Jonathan) (Entered: 07/25/2017) |
| 08/16/2017 | 37 | STIPULATION re 34 Amended Complaint by Mary Van Brunt-Piehler. (Ferris, Jonathan) (Entered: 08/16/2017) |
| 08/28/2017 | 38 | STIPULATION AND ORDER Defendants consent to the filing of plaintiff's Amended Complaint 34 . Plaintiff's Motion to Amend the Complaint 35 is withdrawn. Defendants have until 9/5/2017 to answer plaintiff's Amended Complaint. (Motion 35 terminated; Answer due date updated as to Absolute Software Corporation answer due 9/5/2017; Absolute Software, Inc. answer due 9/5/2017; Todd Awtry answer due 9/5/2017; Geoff Haydon answer due 9/5/2017; Thomas Kenny answer due 9/5/2017.) Signed by Hon. Marian W. Payson on 8/28/2017. (KAH) (Entered: 08/31/2017) |
| 09/05/2017 | 40 | ANSWER to 34 Amended Complaint by Absolute Software Corporation, Absolute Software, Inc., Todd Awtry, Geoff Haydon, Thomas Kenny.(Singer, David) (Entered: 09/05/2017) |
| 09/25/2017 | 42 | AMENDED ANSWER to 34 Amended Complaint by Absolute Software Corporation, Absolute Software, Inc., Todd Awtry, Geoff Haydon, Thomas Kenny. (Lestrade, Laura) (Entered: 09/25/2017) |

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| 01/15/2020 | 143 | MOTION for Summary Judgment by Absolute Software Corporation, Absolute Software, Inc., Todd Awtry, Geoff Haydon, Thomas Kenny.(Lestrade, Laura) (Entered: 01/15/2020) |
| 01/15/2020 | 144 | DECLARATION signed by Leigh Ramsden re 143 MOTION for Summary Judgment filed by Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D) (Lestrade, Laura) (Entered: 01/15/2020) |
| 01/15/2020 | 145 | DECLARATION signed by Errol Olsen re 144 Declaration, filed by Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny. (Attachments: # 1 Exhibit A) (Lestrade, Laura) (Entered: 01/15/2020) |
| 01/15/2020 | 146 | DECLARATION signed by Geoff Haydon re 143 MOTION for Summary Judgment filed by Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny. (Attachments: # 1 Exhibit A) (Lestrade, Laura) (Entered: 01/15/2020) |
| 01/15/2020 | 147 | DECLARATION signed by Todd Awtry re 143 MOTION for Summary Judgment filed by Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J, # 11 Exhibit K, # 12 Exhibit L, # 13 Exhibit M, # 14 Exhibit N, # 15 Exhibit O, # 16 Exhibit P, # 17 Exhibit Q, # 18 Exhibit R, # 19 Exhibit S, # 20 Exhibit T) (Lestrade, Laura) (Entered: 01/15/2020) |
| 01/15/2020 | 148 | DECLARATION signed by Laura M. Lestrade re 143 MOTION for Summary Judgment filed by Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, |

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| | | # 9 Exhibit I, # 10 Exhibit J, # 11 Exhibit K, # 12 Exhibit L, # 13 Exhibit M, # 14 Exhibit N, # 15 Exhibit O) (Lestrade, Laura) (Entered: 01/15/2020) |
| 01/15/2020 | 149 | MEMORANDUM in Support re 143 MOTION for Summary Judgment filed by Absolute Software Corporation, Absolute Software, Inc., Todd Awtry, Geoff Haydon, Thomas Kenny. (Lestrade, Laura) (Entered: 01/15/2020) |
| 01/15/2020 | 150 | STATEMENT OF FACTS <i>56.1</i> by Absolute Software Corporation, Absolute Software, Inc., Todd Awtry, Geoff Haydon, Thomas Kenny. Related document: 143 Motion for Summary Judgment. (Lestrade, Laura) (Entered: 01/15/2020) |
| 04/30/2020 | 155 | MOTION to Seal Document by Mary Van Brunt-Piehler.(Ferris, Jonathan) (Entered: 04/30/2020) |
| 04/30/2020 | 156 | AFFIRMATION filed by Mary Van Brunt-Piehler . (Ferris, Jonathan) (Entered: 04/30/2020) |
| 04/30/2020 | 157 | AFFIDAVIT of <i>Jonathan W. Ferris</i> in Opposition re 143 MOTION for Summary Judgment filed by Mary Van Brunt-Piehler. (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Exhibit, # 4 Exhibit, # 5 Exhibit, # 6 Exhibit, # 7 Exhibit, # 8 Exhibit, # 9 Exhibit, # 10 Exhibit)(Ferris, Jonathan) (Entered: 04/30/2020) |
| 04/30/2020 | 158 | STATEMENT OF FACTS <i>Response</i> by Mary Van Brunt-Piehler Related document: 150 Statement of Facts. (Ferris, Jonathan) (Entered: 04/30/2020) |
| 04/30/2020 | 159 | RESPONSE in Opposition re 143 MOTION for Summary Judgment filed by Mary Van Brunt-Piehler. (Ferris, Jonathan) (Entered: 04/30/2020) |
| 05/15/2020 | 163 | CONTINUATION OF EXHIBITS to 157 Affidavit in Opposition to Motion, <i>Exhibits S1-S7</i> . (Ferris, Jonathan) (Entered: 05/15/2020) |
| 05/15/2020 | 164 | CONTINUATION OF EXHIBITS to 157 Affidavit in Opposition to Motion, <i>Exhibits S8-S13</i> . (Ferris, Jonathan) (Entered: 05/15/2020) |

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| 05/15/2020 | 165 | CONTINUATION OF EXHIBITS to 157 Affidavit in Opposition to Motion, <i>S14-S17</i> . (Ferris, Jonathan) (Entered: 05/15/2020) |
| 05/20/2020 | 166 | Sealed Document (Unredacted EXHIBITS to 157 Affidavit in Opposition to Motion) (Exhibit S2) (Attachments: # 1 Exhibit S7, # 2 Exhibit S8, # 3 Exhibit S11, # 4 Exhibit S13, # 5 Exhibit S14, # 6 Exhibit S15, # 7 Exhibit S16) (DPS) (Entered: 05/20/2020) |
| 07/15/2020 | 169 | DECLARATION signed by Leigh Ramsden re 143 MOTION for Summary Judgment filed by Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny filed by Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny. (Sullivan, Mark) (Entered: 07/15/2020) |
| 07/15/2020 | 170 | DECLARATION signed by David Olshanski re 143 MOTION for Summary Judgment filed by Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny filed by Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny. (Sullivan, Mark) (Entered: 07/15/2020) |
| 07/15/2020 | 171 | DECLARATION signed by Mark S. Sullivan re 143 MOTION for Summary Judgment filed by Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny filed by Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J, # 11 Exhibit K, # 12 Exhibit L, # 13 Exhibit M, # 14 Exhibit N, # 15 Exhibit O, # 16 Exhibit P)(Sullivan, Mark) (Entered: 07/15/2020) |
| 07/16/2020 | 172 | REPLY to Response to Motion re 143 MOTION for Summary Judgment filed by Absolute Software Corporation, Absolute Software, Inc., Todd Awtry, |

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| | | Geoff Haydon, Thomas Kenny. (Sullivan, Mark) (Entered: 07/16/2020) |
| 07/16/2020 | 173 | CONTINUATION OF EXHIBITS by Absolute Software Corporation, Absolute Software, Inc., Todd Awtry, Geoff Haydon, Thomas Kenny. to 171 Declaration,, <i>Exhibit Q</i> filed by Absolute Software Corporation, Absolute Software, Inc., Todd Awtry, Geoff Haydon, Thomas Kenny. (Sullivan, Mark) (Entered: 07/16/2020) |
| 07/20/2020 | 175 | MEMORANDUM in Support re 143 MOTION for Summary Judgment <i>Corrected Reply Memorandum of Law</i> filed by Absolute Software Corporation, Absolute Software, Inc., Todd Awtry, Geoff Haydon, Thomas Kenny. (Lestrade, Laura) (Entered: 07/20/2020) |
| 11/09/2020 | 178 | Minute Entry for proceedings held before Hon. Elizabeth A. Wolford: Appearances by video: J. Nelson Thomas, Esq. on behalf of plaintiff; Laura M Lestrade, Esq., Mark Stephen Sullivan, Esq. on behalf of defendants. Oral Argument held on 11/9/2020 by video via ZoomGov. Court reserves decision. Plaintiff's counsel to submit a letter to the Court, and include opposing counsel, by 11/13/2020, informing the Court of whether Plaintiff intends to pursue her post-employment retaliation claim. Court will set a further briefing schedule if appropriate. (Court Reporter Karen Clark) (DPS) (Entered: 11/10/2020) |
| 11/30/2020 | 179 | DECISION AND ORDER granting in part and denying in part 143 Motion for Summary Judgment. Signed by Hon. Elizabeth A. Wolford on 11/30/2020. (CAL) (Entered: 11/30/2020) |
| 01/11/2021 | 181 | NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings, oral argument held on 11/9/2020, before Judge Elizabeth A. Wolford. Court Reporter/Transcriber, Contact Info Karen J. Clark, Official Court Reporter Karenclark1013@AOL.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. |

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| | | Redaction Request due 2/1/2021. Redacted Transcript Deadline set for 2/11/2021. Release of Transcript Restriction set for 4/12/2021. (TF) (Entered: 01/11/2021) |
| 06/24/2021 | 185 | Minute Entry for proceedings held before Hon. Elizabeth A. Wolford: Appearances by telephone: J. Nelson Thomas, Esq. and Jonathan W. Ferris, Esq. on behalf of plaintiff; Laura M Lestrade, Esq. and Mark S. Sullivan, Esq. on behalf of defendants. Status Conference held on 6/24/2021 by telephone. Parties confirm matter ready for trial. Jury trial set for 8/10/2021 at 9:00 AM in US Courthouse, 100 State Street, Rochester NY 14614 before Hon. Elizabeth A. Wolford. FINAL Pretrial Conference set for 7/26/2021 at 2:00 PM in US Courthouse, 100 State Street, Rochester NY 14614 before Hon. Elizabeth A. Wolford. Pretrial Order to be issued; submission deadlines will be included. (Court Reporter Karen Clark) (DPS) (Entered: 06/28/2021) |
| 06/25/2021 | 184 | PRETRIAL ORDER. Final Pretrial Conference is scheduled for Monday, July 26, 2021, at 2:00 PM, at the United States Courthouse, 100 State Street, Rochester, NY 14614. Jury Trial is scheduled for Tuesday, August 10, 2021, at 9:00 AM, at the United States Courthouse, 100 State Street, Rochester, NY 14614. Signed by Hon. Elizabeth A. Wolford on 06/25/2021. (Please Note: This docket text does <u>not</u> contain the entire contents of the attached Order. It is your responsibility to read the attached Order and download it for future reference.) (CAL) (Entered: 06/25/2021) |
| 06/30/2021 | 186 | TEXT ORDER. On June 30, 2021, Plaintiff sent via facsimile a letter to the Court, requesting an adjournment of any pretrial submissions relating to the issues of back pay and front pay damages, which are due on July 12, 2021. (Dkt. 184). Plaintiff's counsel states that he intends to make a motion to bifurcate requesting that the issue of Plaintiff's back pay and front pay be resolved post-trial by the Court, and if the Court grants the motion, it will obviate the need for pretrial submissions on these issues. |

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| | | <p>Plaintiff's request for an adjournment is denied. While it is possible that the Court may grant a future motion to bifurcate, in which case the motion will moot some of the issues briefed with the pretrial motions, due to the short timeframe before trial, which is scheduled to commence on August 10, 2021, the Court is not willing to postpone or adjourn any of the submission dates set forth in the Pretrial Order. Further, the Court notes that Plaintiff's counsel has not indicated that he obtained the consent of defense counsel in making the request for an adjournment, and therefore pursuant to the Court's chambers procedures, he was required to make any such request by way of a formal motion. For those reasons, Plaintiff's motion for an adjournment is denied.</p> <p>SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 06/30/2021. (CAL) (Entered: 06/30/2021)</p> |
| 07/07/2021 | 187 | <p>TEXT ORDER. On July 6, 2021, the parties made a joint request to the Court, seeking a modification of the pretrial order's policy addressing the numbering of exhibits for trial. Specifically, the parties request that should either party submit an exhibit previously marked at a deposition as 1 through 141, it be marked as Plaintiff's or Defendants' Exhibit with its current number. The Court denies this request. Among other reasons, the record will not be clear if each party is utilizing a number within a specific range for its exhibits. However, if the parties agree, the Court will allow exhibits within the range of 1-199 to be marked as joint exhibits, with Plaintiff thereafter utilizing numbers 200-399 and 800 and above (if necessary), and Defendants utilizing numbers 400-799. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 07/07/2021. (CAL) (Entered: 07/07/2021)</p> |
| 07/09/2021 | <u>188</u> | <p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings (STATUS CONFERENCE) held on 06/24/2021, before HONORABLE ELIZABETH A. WOLFORD. Court Reporter Karen J. Clark, RPR,</p> |

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| | | KarenClark1013@AOL.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/30/2021. Redacted Transcript Deadline set for 8/9/2021. Release of Transcript Restriction set for 10/7/2021. (KJC) (Entered: 07/09/2021) |
| 07/12/2021 | 189 | MEMORANDUM OF LAW IN SUPPORT OF MOTION in Limine by Absolute Software Corporation, Absolute Software, Inc., Todd Awtry, Geoff Haydon, Thomas Kenny. (Attachments: # 1 Declaration of Laura M. Lestrade, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F, # 8 Exhibit G, # 9 Exhibit H, # 10 Exhibit I, # 11 Exhibit J, # 12 Exhibit K, # 13 Exhibit L, # 14 Exhibit M)(Lestrade, Laura) Modified on 7/13/2021 (TF). (Entered: 07/12/2021) |
| 07/12/2021 | 190 | Proposed Jury Instructions by Absolute Software Corporation, Absolute Software, Inc., Todd Awtry, Geoff Haydon, Thomas Kenny. (Lestrade, Laura) (Entered: 07/12/2021) |
| 07/12/2021 | 191 | Proposed Voir Dire by Absolute Software Corporation, Absolute Software, Inc., Todd Awtry, Geoff Haydon, Thomas Kenny. (Lestrade, Laura) (Entered: 07/12/2021) |
| 07/12/2021 | 192 | Trial Document by Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny as to Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny <i>Expert Testimony Summary</i> . (Lestrade, Laura) (Entered: 07/12/2021) |
| 07/12/2021 | 193 | Exhibit List by Absolute Software Corporation, Absolute Software, Inc., Todd Awtry, Geoff Haydon, Thomas Kenny.. (Lestrade, Laura) (Entered: 07/12/2021) |
| 07/12/2021 | 194 | Trial Document by Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny as to Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute |

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| | | Software, Inc., Thomas Kenny <i>Defendants' Deposition Designations</i> . (Lestrade, Laura) (Entered: 07/12/2021) |
| 07/12/2021 | 195 | MOTION in Limine by Mary Van Brunt-Piehler. (Attachments: # 1 Affidavit, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F, # 8 Exhibit G, # 9 Exhibit H, # 10 Exhibit I, # 11 Exhibit J, # 12 Exhibit K, # 13 Exhibit L, # 14 Exhibit M, # 15 Exhibit N, # 16 Exhibit O)(Ferris, Jonathan) (Entered: 07/13/2021) |
| 07/13/2021 | 196 | MOTION in Limine <i>TO PRECLUDE TESTIMONY FROM DEFENDANTS THAT THEIR LEGAL COUNSEL APPROVED OF THE DECISION TO TERMINATE PLAINTIFF</i> by Mary Van Brunt-Piehler. (Attachments: # 1 Affidavit, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F)(Ferris, Jonathan) (Entered: 07/13/2021) |
| 07/13/2021 | 197 | MOTION in Limine <i>to exclude EEOC determination</i> by Mary Van Brunt-Piehler. (Attachments: # 1 Affidavit, # 2 Exhibit A, # 3 Exhibit B)(Ferris, Jonathan) (Entered: 07/13/2021) |
| 07/13/2021 | 198 | TRIAL BRIEF <i>Statement of Claims</i> by Mary Van Brunt-Piehler. (Ferris, Jonathan) (Entered: 07/13/2021) |
| 07/13/2021 | 199 | MOTION in Limine <i>to exclude evidence of other lawsuit</i> by Mary Van Brunt-Piehler. (Attachments: # 1 Affidavit, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F, # 8 Exhibit G, # 9 Exhibit H, # 10 Exhibit I, # 11 Exhibit J, # 12 Exhibit K, # 13 Exhibit L)(Ferris, Jonathan) (Entered: 07/13/2021) |
| 07/13/2021 | 200 | MOTION in Limine <i>TO EXCLUDE EVIDENCE OF ANY ACTS OR REASONS THAT WERE NOT A BASIS FOR PLAINTIFFS TERMINATION</i> by Mary Van Brunt-Piehler. (Attachments: # 1 Affidavit, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C)(Ferris, Jonathan) (Entered: 07/13/2021) |

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| 07/13/2021 | 201 | MOTION in Limine <i>to prohibit defendant from claiming that plaintiff failed to mitigate her damages</i> by Mary Van Brunt-Piehler. (Attachments: # 1 Affidavit, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C)(Ferris, Jonathan) (Entered: 07/13/2021) |
| 07/13/2021 | 202 | TRIAL BRIEF <i>Statement of Damages</i> by Mary Van Brunt-Piehler. (Ferris, Jonathan) (Entered: 07/13/2021) |
| 07/13/2021 | 203 | MOTION in Limine <i>to exclude defendants' expert from testifying</i> by Mary Van Brunt-Piehler. (Attachments: # 1 Affidavit, # 2 Exhibit A, # 3 Exhibit B)(Ferris, Jonathan) (Entered: 07/13/2021) |
| 07/13/2021 | 204 | Expert Witness List by Mary Van Brunt-Piehler. (Ferris, Jonathan) (Entered: 07/13/2021) |
| 07/13/2021 | 205 | Proposed Voir Dire by Mary Van Brunt-Piehler. (Ferris, Jonathan) (Entered: 07/13/2021) |
| 07/13/2021 | 206 | TRIAL BRIEF <i>Deposition Designations</i> by Mary Van Brunt-Piehler. (Ferris, Jonathan) (Entered: 07/13/2021) |
| 07/13/2021 | 207 | Exhibit List by Mary Van Brunt-Piehler.. (Ferris, Jonathan) (Entered: 07/13/2021) |
| 07/13/2021 | 208 | Proposed Jury Instructions by Mary Van Brunt-Piehler. (Ferris, Jonathan) (Entered: 07/13/2021) |
| 07/13/2021 | | E-Filing Notification: Document missing Notice of motion and filed improperly as a motion. Court terminated motion and modified docket text to correctly reflect filing event re 189 MOTION in Limine. (TF) (Entered: 07/13/2021) |
| 07/13/2021 | 209 | MOTION in Limine <i>Omnibus</i> by Absolute Software Corporation, Absolute Software, Inc., Todd Awtry, Geoff Haydon, Thomas Kenny.(Lestrade, Laura) (Entered: 07/13/2021) |
| 07/13/2021 | 210 | TEXT ORDER granting Defendants' consent request to file an amended witness list. Defendants shall file their amended witness list on or before July 14, 2021. SO ORDERED. Signed by Hon. |

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| | | Elizabeth A. Wolford on 07/13/2021. (CAL) (Entered: 07/13/2021) |
| 07/13/2021 | 211 | Proposed Voir Dire by Absolute Software Corporation, Absolute Software, Inc., Todd Awtry, Geoff Haydon, Thomas Kenny. (Lestrade, Laura) (Entered: 07/13/2021) |
| 07/19/2021 | 212 | MEMORANDUM in Opposition re 201 MOTION in Limine to prohibit defendant from claiming that plaintiff failed to mitigate her damages, 196 MOTION in Limine TO PRECLUDE TESTIMONY FROM DEFENDANTS THAT THEIR LEGAL COUNSEL APPROVED OF THE DECISION TO TERMINATE PLAINTIFF, 199 MOTION in Limine to exclude evidence of other lawsuit, 200 MOTION in Limine TO EXCLUDE EVIDENCE OF ANY ACTS OR REASONS THAT WERE NOT A BASIS FOR PLAINTIFFS TERMINATION, 195 MOTION in Limine , 197 MOTION in Limine to exclude EEOC determination, 203 MOTION in Limine to exclude defendants' expert from testifying filed by Absolute Software Corporation, Absolute Software, Inc., Todd Awtry, Geoff Haydon, Thomas Kenny. (Attachments: # 1 Declaration of Laura M. Lestrade, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5, # 7 Exhibit 6)(Lestrade, Laura) (Entered: 07/19/2021) |
| 07/19/2021 | 213 | MOTION in Limine to exclude Mr. Ramsden and Mr. Olshanski from testifying at trial by Mary Van Brunt-Piehler. (Attachments: # 1 Memorandum in Support, # 2 Affidavit, # 3 Exhibit A, # 4 Exhibit B)(Ferris, Jonathan) (Entered: 07/19/2021) |
| 07/19/2021 | 214 | OBJECTIONS to Proposed Jury Instructions 208 filed by Defendants Absolute Software Corporation, Absolute Software, Inc., Todd Awtry, Geoff Haydon, Thomas Kenny.. (Lestrade, Laura) (Entered: 07/19/2021) |
| 07/19/2021 | 215 | TRIAL BRIEF <i>Objections to Defendants' Proposed Jury Instructions</i> by Mary Van Brunt-Piehler. (Ferris, Jonathan) (Entered: 07/19/2021) |
| 07/19/2021 | 216 | TRIAL BRIEF <i>Plaintiff's Objections to Defendants' Deposition Designations as to Daniel Berardo</i> by |

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| | | Mary Van Brunt-Piehler. (Attachments: # 1 Exhibit A (Berardo Deposition Transcript))(Ferris, Jonathan) (Entered: 07/19/2021) |
| 07/19/2021 | 217 | TRIAL BRIEF <i>Plaintiff's Objections to Defendants' Deposition Designations as to Christopher Covell</i> by Mary Van Brunt-Piehler. (Attachments: # 1 Exhibit A (Covell Deposition Transcript))(Ferris, Jonathan) (Entered: 07/19/2021) |
| 07/19/2021 | 218 | TRIAL BRIEF <i>Plaintiff's Objections to Defendants' Deposition Designations as to Amy Rathbun</i> by Mary Van Brunt-Piehler. (Attachments: # 1 Exhibit A (Rathbun Deposition Transcript))(Ferris, Jonathan) (Entered: 07/19/2021) |
| 07/19/2021 | 219 | TRIAL BRIEF <i>Plaintiff's Objections to Defendants' Deposition Designations as to Mary Piehler</i> by Mary Van Brunt-Piehler. (Attachments: # 1 Exhibit A (Piehler Deposition Transcript))(Ferris, Jonathan) (Entered: 07/19/2021) |
| 07/19/2021 | 220 | RESPONSE in Opposition re 209 MOTION in Limine <i>Omnibus</i> filed by Mary Van Brunt-Piehler. (Attachments: # 1 Affidavit, # 2 A, # 3 B, # 4 C, # 5 D, # 6 E, # 7 F, # 8 G, # 9 H)(Ferris, Jonathan) (Entered: 07/19/2021) |
| 07/20/2021 | 221 | OBJECTIONS to Trial Brief 206 filed by Defendants Absolute Software Corporation, Absolute Software, Inc., Todd Awtry, Geoff Haydon, Thomas Kenny.. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J, # 11 Exhibit K, # 12 Exhibit L, # 13 Exhibit M)(Lestrade, Laura) (Entered: 07/20/2021) |
| 07/20/2021 | 222 | CONTINUATION OF EXHIBITS by Absolute Software Corporation, Absolute Software, Inc., Todd Awtry, Geoff Haydon, Thomas Kenny. to 221 Objections -- non-motion, <i>Exhibit E</i> filed by Absolute Software Corporation, Absolute Software, Inc., Todd Awtry, Geoff Haydon, Thomas Kenny. (Lestrade, Laura) (Entered: 07/20/2021) |
| 07/20/2021 | 223 | TEXT ORDER. The pretrial conference scheduled for Monday, July 26, 2021 at 2:00 PM, is hereby |

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| | | <p>converted to a remote appearance via Zoom for Government. Instructions for accessing the proceeding will be sent to counsel in advance. This is a public proceeding. Any member of the public who wishes to attend should contact the undersigned's Chambers at wolford@nywd.uscourts.gov or 585-613-4320 for instructions.</p> <p>Further, due to the voluminous pretrial submissions, the Court intends to schedule a further pretrial conference prior to trial. Counsel should be prepared to schedule this additional conference at the appearance on July 26. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 07/20/2021. (CAL) (Entered: 07/20/2021)</p> |
| 07/21/2021 | 224 | CONTINUATION OF EXHIBITS to 220 Response in Opposition to Motion <i>Exhibit F (not under seal)</i> . (Ferris, Jonathan) (Entered: 07/21/2021) |
| 07/26/2021 | 233 | <p>Minute Entry for proceedings held before Hon. Elizabeth A. Wolford: Appearances by video: J. Nelson Thomas, Esq. and Jonathan W. Ferris, Esq. on behalf of plaintiff; Laura M Lestrade, Esq., Mark S. Sullivan, Esq., Joshua R Kornfield, Esq., Shevon Rockett and Josh Colangelo on behalf of defendants. Initial Pretrial Conference held on 7/26/2021 by video via ZoomGov. Court addresses protocol for proceeding with jury selection and trial. Parties propose bifurcation of issue as discussed on the record. Court accepts proposal; proposed order to be provided by counsel. Parties' pretrial filings are addressed. 195 MOTION in Limine by Mary Van Brunt-Piehler denied without prejudice. Supplemental submission may be filed by 7/28/2021; any response due by 8/2/2021. 196 MOTION in Limine TO PRECLUDE TESTIMONY denied as moot; 197 MOTION in Limine to exclude EEOC determination granted with a written decision to be issued; 199 denied without prejudice as moot; 200 decision is reserved; 201 denied as moot; 203 denied as moot; 189 denied in part as discussed on record, reserve in part pending plaintiff's further submission due by 7/29/2021. Defendant to file response by</p> |

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| | | <p>7/30/2021 to 213 MOTION in Limine to exclude Mr. Ramsden and Mr. Olshanski from testifying at trial and plaintiff to file response by 7/30/2021 to 221 Request to Preclude testimony of John Piehler and Lyle Singular. Parties are directed to continue attempts to resolve objections to deposition testimony; if unable to reach agreement, the Court will address in-person on 8/6/2021 at 9:00 AM in US Courthouse, 100 State Street, Rochester NY 14614. Separate text order to be issued memorializing deadlines set. Further Status Conference set for 8/4/2021 at 1:00 PM via ZoomGov video with Hon. Elizabeth A. Wolford. Counsel will be provided instructions for accessing Zoom for Government in advance of the conference date. This conference is a public proceeding, and therefore anyone wishing to attend should contact the undersigned's Chambers at wolford@nywd.uscourts.gov or (585) 613-4320 for instructions. (Court Reporter Karen Clark) (DPS) (Entered: 08/02/2021)</p> |
| 07/27/2021 | 225 | <p>TEXT ORDER memorializing deadlines set at July 26, 2021 pretrial conference. On or before July 30, 2021, the parties shall confer and attempt to resolve their objections to each other's proposed deposition testimony. For any testimony on which the parties cannot reach an agreement, on or before August 2, 2021, each party shall file an itemized list of the testimony they intend to use during their direct case at trial. On or before August 4, 2021, each party shall file their objections to the other's proposed testimony, setting forth the basis for their objection and citing to case law supporting those objections. If necessary, both Plaintiff's counsel and defense counsel shall meet in-person with the Court on <u>Friday, August 6, 2021, at 9:00 a.m., at 100 State Street, Rochester, New York 14614</u>, to resolve any remaining objections to the deposition testimony to be offered in the case.</p> <p>Plaintiff may renew her motion <i>in limine</i> filed at Docket 195 on or before July 28, 2021. Defendants shall file a response to any such motion on or before August 2, 2021.</p> |

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| | | <p>Defendants have filed a motion <i>in limine</i> 189 seeking to preclude the results of an anonymous employee survey (Dkt. 189 at 8). On or before July 29, 2021, Plaintiff shall submit a highlighted version of the survey submitted by Defendants at Docket 189, Exhibit A, identifying which specific portions of the survey she seeks to admit at trial.</p> <p>On or before July 30, 2021, Defendants shall file a response to 213 Plaintiff's motion <i>in limine</i> to exclude Leigh Ramsden and David Olshanski from testifying at trial. Plaintiff shall file a response to Defendants' objection to Plaintiff's identification of Lyle Singular and John Piehler as witnesses (Dkt. 221 at 5) on or before July 30, 2021.</p> <p>A further pretrial conference to address any outstanding issues raised in connection with the parties' pretrial submissions is scheduled for <u>Wednesday, August 4, 2021, at 1:00 p.m.</u> This appearance will be held remotely via Zoom for Government. Instructions for accessing the proceeding will be sent to counsel in advance. This is a public proceeding. Any member of the public who wishes to attend should contact the undersigned's Chambers at wolford@nywd.uscourts.gov or 585-613-4320 for instructions.</p> <p>SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 07/27/2021. (CAL) (Entered: 07/27/2021)</p> |
| 07/28/2021 | 226 | MOTION in Limine by Mary Van Brunt-Piehler. (Attachments: # 1 Memorandum in Support)(Ferris, Jonathan) (Entered: 07/28/2021) |
| 07/29/2021 | 227 | AFFIRMATION in Support re 226 MOTION in Limine filed by Mary Van Brunt-Piehler. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J, # 11 Exhibit K, # 12 Exhibit L, # 13 Exhibit M, # 14 Exhibit N, |

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| | | # 15 Exhibit O) (Ferris, Jonathan) Modified on 7/29/2021 (JHF). (Entered: 07/29/2021) |
| 07/29/2021 | | E-Filing Notification: Clerk revised docket text of 227 to "AFFIRMATION in Support" to clarify the filing event. (JHF) (Entered: 07/29/2021) |
| 07/29/2021 | 228 | DECLARATION signed by Joshua R. Kornfield re 213 MOTION in Limine to exclude Mr. Ramsden and Mr. Olshanski from testifying at trial filed by Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny Opposition filed by Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G)(Lestrade, Laura) (Entered: 07/29/2021) |
| 07/29/2021 | 229 | MEMORANDUM in Opposition re 213 MOTION in Limine to exclude Mr. Ramsden and Mr. Olshanski from testifying at trial filed by Absolute Software Corporation, Absolute Software, Inc., Todd Awtry, Geoff Haydon, Thomas Kenny. (Lestrade, Laura) (Entered: 07/29/2021) |
| 07/29/2021 | 230 | TRIAL BRIEF by Mary Van Brunt-Piehler. (Attachments: # 1 Exhibit A)(Ferris, Jonathan) (Entered: 07/30/2021) |
| 07/30/2021 | 231 | REPLY to Response to Motion re 209 MOTION in Limine Omnibus filed by Absolute Software Corporation, Absolute Software, Inc., Todd Awtry, Geoff Haydon, Thomas Kenny. (Kornfield, Joshua) (Entered: 07/30/2021) |
| 07/30/2021 | 232 | TRIAL BRIEF Response in Opposition to Defendants' Objections to Identification of John Piehler and Lyle Singular as Trial Witnesses by Mary Van Brunt-Piehler. (Attachments: # 1 Declaration, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C)(Ferris, Jonathan) (Entered: 07/30/2021) |
| 08/02/2021 | 234 | Trial Document by Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny as to Todd Awtry, Geoff |

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| | | Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny <i>Defendants' Revised Deposition Designations</i> . (Lestrade, Laura) (Entered: 08/02/2021) |
| 08/02/2021 | 235 | MEMORANDUM in Opposition re 226 MOTION in Limine filed by Absolute Software Corporation, Absolute Software, Inc., Todd Awtry, Geoff Haydon, Thomas Kenny. (Attachments: # 1 Declaration of Laura M. Lestrade, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F)(Lestrade, Laura) (Entered: 08/02/2021) |
| 08/02/2021 | 236 | TRIAL BRIEF <i>Amended Deposition Designations</i> by Mary Van Brunt-Piehler. (Attachments: # 1 Exhibit A)(Ferris, Jonathan) (Entered: 08/02/2021) |
| 08/04/2021 | 237 | TEXT ORDER. As stipulated to by the parties on the record during the July 26, 2021 conference, the Court hereby ORDERS that the issues of damages relating to the amount of back pay and front pay are bifurcated to be decided by the Court post-trial. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 08/04/2021. (CAL) (Entered: 08/04/2021) |
| 08/04/2021 | 238 | Minute Entry for proceedings held before Hon. Elizabeth A. Wolford: Appearances by video: J. Nelson Thomas, Esq. and Jonathan W. Ferris, Esq. on behalf of plaintiff; Laura M. Lestrade, Esq., Mark S. Sullivan, Esq., Joshua R. Kornfield, Esq., Shevon Rockett and Josh Colangelo (by audio only) on behalf of defendants. Interim Pretrial Conference held on 8/4/2021. Court addresses pending motions: 200 Plaintiff's Motion in Limine to exclude evidence of acts or reasons not a basis for Plaintiff's termination is denied; 213 Plaintiff's Motion to Preclude Mr. Ramsden and Mr. Olshanksi from testifying at trial is denied; 209 Defendants' omnibus motions in limine granted in part, denied in part, and reserved in part; 221 Defendants' request to exclude testimony by Mr. Piehler and Mr. Singular reserved in part and denied in part. In addition, Plaintiff is ordered to make Mr. Piehler available to defense counsel for deposition of up to two hours prior to the |

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| | | <p>presentation of his testimony at trial. 226 Plaintiff's motion to exclude as a whole certain testimony by Ms. Rathbun denied with specific objections to be resolved upon review of the relevant deposition testimony. Trial schedule discussed. Parties to convene on 8/6/2021 at 9:00 a.m., at 100 State Street, Rochester, New York 14614, to resolve any remaining objections to the deposition testimony to be offered in the case. Counsel must provide the Court by 5:00 p.m. on 8/5/2021 the full deposition transcript of any witness whose deposition testimony is in dispute, in binders, and highlighting the portions of the deposition transcript that are in dispute. (Court Reporter Karen Clark) (DPS) (Entered: 08/04/2021)</p> |
| 08/05/2021 | 239 | TRIAL BRIEF <i>Defendants' Objections to Plaintiff's Revised Deposition Testimony Designations</i> by Absolute Software Corporation, Absolute Software, Inc., Todd Awtry, Geoff Haydon, Thomas Kenny. (Lestrade, Laura) (Entered: 08/05/2021) |
| 08/05/2021 | 240 | NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings (MOTION ARGUMENT) held on 07/26/2021, before HONORABLE ELIZABETH A. WOLFORD. Court Reporter Karen J. Clark, RPR, KarenClark1013@AOL.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/26/2021. Redacted Transcript Deadline set for 9/7/2021. Release of Transcript Restriction set for 11/3/2021. (KJC) (Entered: 08/05/2021) |
| 08/05/2021 | 241 | TRIAL BRIEF <i>Plaintiff's Objections to Defendants' Amended Deposition Designations</i> by Mary Van Brunt-Piehler. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D)(Ferris, Jonathan) (Entered: 08/05/2021) |
| 08/05/2021 | 242 | Exhibit List <i>Corrected</i> by Mary Van Brunt-Piehler.. (Ferris, Jonathan) (Entered: 08/05/2021) |

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| 08/06/2021 | 243 | NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings (PRETRIAL HEARING) held on 08/04/2021, before HONORABLE ELIZABETH A. WOLFORD. Court Reporter Karen J. Clark, RPR, KarenClark@AOL.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/27/2021. Redacted Transcript Deadline set for 9/7/2021. Release of Transcript Restriction set for 11/4/2021. (KJC) (Entered: 08/06/2021) |
| 08/06/2021 | 246 | Minute Entry for proceedings held before Hon. Elizabeth A. Wolford: Appearances: Jonathan W. Ferris, Esq. on behalf of plaintiff; Laura M. Lestrade, Esq., Mark S. Sullivan, Esq., and Joshua R. Kornfield, Esq., on behalf of defendants. Oral Argument regarding remaining objections to the deposition testimony held on 8/6/2021. Parties to file revised objections to remaining portions of testimony based on Court's rulings by 12:00 PM on Monday, 8/9/2021. Trial details discussed; information regarding witnesses testifying on 8/11/2021 to be provided by close of business on Monday, 8/9/2021. (Court Reporter Karen Clark) (DPS) (Entered: 08/09/2021) |
| 08/09/2021 | 244 | TRIAL BRIEF <i>Defendants' Revised Objections to Plaintiff's Revised Deposition Testimony Designations</i> by Absolute Software Corporation, Absolute Software, Inc., Todd Awtry, Geoff Haydon, Thomas Kenny. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Lestrade, Laura) (Entered: 08/09/2021) |
| 08/09/2021 | 245 | TRIAL BRIEF <i>Amended Objections to Amended Depo Designations</i> by Mary Van Brunt-Piehler. (Attachments: # 1 Exhibit)(Ferris, Jonathan) (Entered: 08/09/2021) |
| 08/10/2021 | 247 | TEXT ORDER. The jury trial scheduled to commence today, August 10, 2021, is adjourned without further date. The Court will set a conference to discuss rescheduling at a future date. SO |

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| | | ORDERED. Signed by Hon. Elizabeth A. Wolford on 08/10/2021. (CDH) (Entered: 08/10/2021) |
| 08/19/2021 | 248 | TEXT ORDER. A telephonic status conference is scheduled for Tuesday, August 24, 2021, at 4:00 p.m. This is a public telephonic proceeding. To access the conference, dial (866) 434-5269 and enter access code 8632566# sufficiently in advance of the start time. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 08/19/2021. (CAL) (Entered: 08/19/2021) |
| 08/24/2021 | 249 | Minute Entry for proceedings held before Hon. Elizabeth A. Wolford: Appearances by telephone: Jonathan W. Ferris, Esq. on behalf of plaintiff; Laura M. Lestradé, Esq., Mark S. Sullivan, Esq., and Joshua R. Kornfield, Esq. on behalf of defendants. Telephone Status Conference held on 8/24/2021. Continuation of Oral Argument regarding remaining objections to the deposition testimony set for 9/9/2021 at 11:00 AM in US Courthouse, 100 State Street, Rochester NY 14614 before Hon. Elizabeth A. Wolford. Plaintiff to provide Defendants with revised deposition designations by 8/30/2021; Parties to provide to Court highlighted portions of the deposition transcript(s) that remain in dispute by 9/3/2021. (Court Reporter Karen Clark) (DPS) (Entered: 08/25/2021) |
| 08/26/2021 | 250 | TEXT ORDER. Oral Argument regarding remaining objections to the deposition testimony set for 9/9/2021 at 11:00 AM is <u>reset for 9/9/2021 at 12:00 PM</u> in US Courthouse, 100 State Street, Rochester NY 14614 before Hon. Elizabeth A. Wolford. Note: this is <u>a time change only</u> . Signed by Hon. Elizabeth A. Wolford on 8/26/2021. (DPS) (Entered: 08/26/2021) |
| 09/08/2021 | 251 | TEXT ORDER. Counsel are instructed to bring to the proceeding tomorrow a copy of each exhibit relevant to the disputed portions of the deposition transcripts, for the Court's use during the review of the transcripts. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 09/08/2021. (CAL) (Entered: 09/08/2021) |

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| 09/09/2021 | 252 | Minute Entry for proceedings held before Hon. Elizabeth A. Wolford: Appearances: Jonathan W. Ferris, Esq. on behalf of plaintiff; Laura M. Lestrade, Esq. and Mark S. Sullivan, Esq. on behalf of defendants. Oral Argument regarding remaining objections to the deposition testimony held on 9/9/2021. Parties to further confer; Court to be provided with copies of transcripts with highlighted designations as discussed on the record by 10/22/2021. Telephone Status Conference set for 11/5/2021 at 3:00 PM with Hon. Elizabeth A. Wolford. This is a public telephonic proceeding. To access the conference, dial (866) 434-5269 and enter access code 8632566# sufficiently in advance of the start time. (Court Reporter Karen Clark) (DPS) (Entered: 09/10/2021) |
| 10/14/2021 | 253 | NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings (PRETRIAL CONFERENCE) held on 08/06/2021, before HONORABLE ELIZABETH A. WOLFORD. Court Reporter Karen J. Clark, RPR, KarenClark1013@AOL.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 11/4/2021. Redacted Transcript Deadline set for 11/15/2021. Release of Transcript Restriction set for 1/12/2022. (KJC) (Entered: 10/14/2021) |
| 10/20/2021 | 254 | TEXT ORDER granting joint request by the parties for extension of time to submit highlighted deposition transcripts. The parties shall provide to the Court the highlighted deposition transcripts on or before November 3, 2021. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 10/20/2021. (CAL) (Entered: 10/20/2021) |
| 10/23/2021 | 255 | NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings(PRETRIAL HEARING) held on 09/09/2021, before JUDGE ELIZABETH A. WOLFORD. Court Reporter Karen J. Clark, RPR, KarenClark1013@AOL.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter |

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| | | before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 11/15/2021. Redacted Transcript Deadline set for 11/23/2021. Release of Transcript Restriction set for 1/21/2022. (KJC) (Entered: 10/23/2021) |
| 11/05/2021 | 256 | Minute Entry for proceedings held before Hon. Elizabeth A. Wolford: Appearances by telephone: J. Nelson Thomas, Esq. and Jonathan W. Ferris, Esq. on behalf of plaintiff; Laura M. Lestrade, Esq., Mark S. Sullivan, Esq., and Joshua R. Kornfield, Esq. on behalf of defendants. Status Conference held on 11/5/2021 via AT&T Teleconference. Jury trial set for 5/31/2022 at 9:00 AM in US Courthouse, 100 State Street, Rochester NY 14614 before Hon. Elizabeth A. Wolford. FINAL Pretrial Conference set for 5/11/2022 at 3:00 PM in US Courthouse, 100 State Street, Rochester NY 14614 before Hon. Elizabeth A. Wolford. Oral Argument regarding remaining objections to the deposition testimony set for 2/2/2022 at 2:00 PM in US Courthouse, 100 State Street, Rochester NY 14614 before Hon. Elizabeth A. Wolford. (Court Reporter AT&T.) (DPS) (Entered: 11/08/2021) |
| 11/12/2021 | 257 | PRETRIAL ORDER. Pretrial Conference set for 5/11/2022 at 3:00 PM in US Courthouse, 100 State Street, Rochester NY 14614 before Hon. Elizabeth A. Wolford. Jury Trial set for 5/31/2022 09:00 AM in US Courthouse, 100 State Street, Rochester NY 14614 before Hon. Elizabeth A. Wolford. Signed by Hon. Elizabeth A. Wolford on 11/10/2021. (Please note: This docket entry does not contain every detail of this order. It is your responsibility to read and download the pdf to this document for future reference.) (DPS) (Entered: 11/12/2021) |
| 02/01/2022 | 258 | TEXT ORDER granting defendants' request to adjourn Oral Argument regarding remaining objections to the deposition testimony set for 2/2/2022 at 2:00 PM in US Courthouse, 100 State Street, Rochester NY 14614 before Hon. Elizabeth A. Wolford without objection from plaintiff. Oral Argument regarding remaining objections to the deposition testimony is reset for 3/3/2022 at 2:00 PM via Zoom for Government with Hon. |

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| | | Elizabeth A. Wolford. Counsel will be provided instructions for accessing Zoom for Government in advance of the hearing date. This hearing is a public proceeding. Any member of the public who wishes to attend should contact the undersigned's Chambers at wolford@nywd.uscourts.gov or 585-613-4320 for instructions. Signed by Hon. Elizabeth A. Wolford on 2/1/2022. (DPS) (Entered: 02/01/2022) |
| 02/24/2022 | 259 | TEXT ORDER. Due to the Court's schedule, and with consent of the parties, Oral Argument regarding remaining objections to the deposition testimony set for 3/3/2022 at 2:00 PM via Zoom for Government is <u>reset for 3/9/2022 at 9:30 AM</u> via Zoom for Government with Hon. Elizabeth A. Wolford. Counsel will be provided instructions for accessing Zoom for Government in advance of the hearing date. This hearing is a public proceeding. Any member of the public who wishes to attend should contact the undersigned's Chambers at wolford@nywd.uscourts.gov or 585-613-4320 for instructions. Signed by Hon. Elizabeth A. Wolford on 2/24/2022. (DPS) (Entered: 02/24/2022) |
| 03/09/2022 | 260 | Minute Entry for proceedings held before Hon. Elizabeth A. Wolford: Appearances by video: J. Nelson Thomas, Esq., Jonathan W. Ferris, Esq., and, Jessica Lynne Lukasiewicz, Esq. (audio only) on behalf of plaintiff; Laura M. Lestrade, Esq., Mark S. Sullivan, Esq., and Joshua R. Kornfield, Esq. on behalf of defendants. Oral Argument regarding remaining objections to the deposition testimony held on 3/9/2022 via ZoomGov. Court advises that a written decision on 197 Motion in Limine to exclude EEOC determination will not be issued. Court states on the record reasons for granting 197 Motion in Limine. Court resolves outstanding issues raised in 209 Motion in Limine as set forth on the record. Parties to submit simultaneous briefing as discussed by 3/25/2022; responses due by 4/8/2022. Status Conference set for 4/8/2022 at 12:30 PM via ZoomGov video with Hon. Elizabeth A. Wolford. Counsel will be provided instructions for accessing Zoom for Government in advance of the conference date. This conference is a public proceeding, and therefore |

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| | | anyone wishing to attend should contact the undersigned's Chambers at wolford@nywd.uscourts.gov or (585) 613-4320 for instructions. (Court Reporter Karen Clark.) (DPS) (Entered: 03/09/2022) |
| 03/14/2022 | 261 | NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings (STATUS CONFERENCE) held on 03/09/2022 via Zoom for Government Platform, before HONORABLE ELIZABETH A. WOLFORD. Court Reporter Karen J. Clark, RPR, KarenClark1013@AOL.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 4/4/2022. Redacted Transcript Deadline set for 4/14/2022. Release of Transcript Restriction set for 6/13/2022. (KJC) (Entered: 03/14/2022) |
| 03/25/2022 | 262 | Letter filed by Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny as to Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny . (Attachments: # 1 Exhibit 1, # 2 Exhibit 2)(Lestrade, Laura) (Entered: 03/25/2022) |
| 03/25/2022 | 263 | Letter filed by Mary Van Brunt-Piehler as to Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny . (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J, # 11 Exhibit K, # 12 Exhibit L, # 13 Exhibit M)(Ferris, Jonathan) (Entered: 03/25/2022) |
| 04/05/2022 | 264 | TEXT ORDER. Due to the Court's schedule, and with consent of the parties, Status Conference set for 4/8/2022 at 12:30 PM is <u>reset for 4/7/2022 at 10:30 AM</u> via ZoomGov video with Hon. Elizabeth A. Wolford. Counsel will be provided instructions for accessing Zoom for Government in advance of the conference date. This conference is a public proceeding, and therefore anyone wishing to attend |

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| | | should contact the undersigned's Chambers at wolford@nywd.uscourts.gov or (585) 613-4320 for instructions. Signed by Hon. Elizabeth A. Wolford on 4/5/2022. (DPS) (Entered: 04/05/2022) |
| 04/07/2022 | 265 | TEXT ORDER. Responses to the parties' filings regarding deposition designations (Dkt. 262; Dkt. 263) are now due on or before April 22, 2022. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 4/7/2022. (DJP) (Entered: 04/07/2022) |
| 04/07/2022 | 266 | Minute Entry for proceedings held before Hon. Elizabeth A. Wolford: Appearances by video: J. Nelson Thomas, Esq. and, Jessica Lynne Lukasiewicz, Esq. on behalf of plaintiff; Laura M. Lestrade, Esq. (audio only) and Mark S. Sullivan, Esq. on behalf of defendants. Status Conference held on 4/7/2022 via ZoomGov. Trial schedule addressed; extension granted for responses to 262 and 263 until 4/22/2022. Pretrial Conference remains set for 5/11/2022 at 3:00 PM in US Courthouse, 100 State Street, Rochester NY 14614 before Hon. Elizabeth A. Wolford. (Court Reporter Karen Clark.) (DPS) (Entered: 04/07/2022) |
| 04/22/2022 | 267 | Letter filed by Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny as to Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny . (Lestrade, Laura) (Entered: 04/22/2022) |
| 04/22/2022 | 268 | Letter filed by Mary Van Brunt-Piehler as to Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny . (Ferris, Jonathan) (Entered: 04/22/2022) |
| 04/27/2022 | 269 | Proposed Jury Instructions by Absolute Software Corporation, Absolute Software, Inc., Todd Awtry, Geoff Haydon, Thomas Kenny. (Lestrade, Laura) (Entered: 04/27/2022) |
| 04/27/2022 | 270 | Proposed Voir Dire by Absolute Software Corporation, Absolute Software, Inc., Todd Awtry, Geoff Haydon, Thomas Kenny. (Lestrade, Laura) (Entered: 04/27/2022) |

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| 04/27/2022 | 271 | Second MOTION in Limine by Absolute Software Corporation, Absolute Software, Inc., Todd Awtry, Geoff Haydon, Thomas Kenny.(Lestrade, Laura) (Entered: 04/27/2022) |
| 04/27/2022 | 272 | MEMORANDUM in Support re 271 Second MOTION in Limine filed by Absolute Software Corporation, Absolute Software, Inc., Todd Awtry, Geoff Haydon, Thomas Kenny. (Lestrade, Laura) (Entered: 04/27/2022) |
| 04/27/2022 | 273 | DECLARATION signed by Laura M. Lestrade re 271 Second MOTION in Limine filed by Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny filed by Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D)(Lestrade, Laura) (Entered: 04/27/2022) |
| 04/27/2022 | 274 | Exhibit List (<i>Amended</i>) by Absolute Software Corporation, Absolute Software, Inc., Todd Awtry, Geoff Haydon, Thomas Kenny.. (Lestrade, Laura) (Entered: 04/27/2022) |
| 04/28/2022 | 275 | MOTION in Limine to <i>Admit the Verbatim Employee Survey Comments Based on the Testimony of Errol Olsen</i> by Mary Van Brunt-Piehler. (Attachments: # 1 Memorandum in Support Plaintiff's Motion in Limine to Admit the Verbatim Employee Survey Comments Based on the Testimony of Errol Olsen, # 2 Affidavit Affirmation of Jonathan W. Ferris in Support of Plaintiff's Motion in Limine, # 3 Exhibit A, # 4 Exhibit B, # 5 Exhibit C)(Ferris, Jonathan) (Entered: 04/28/2022) |
| 04/28/2022 | 276 | Exhibit List <i>Amended</i> by Mary Van Brunt-Piehler.. (Ferris, Jonathan) (Entered: 04/28/2022) |
| 04/28/2022 | 277 | MOTION in Limine to <i>Exclude Defendants' Trial Exhibits Nos. 627-635</i> by Mary Van Brunt-Piehler. (Attachments: # 1 Memorandum in Support Plaintiff's Motion in Limine to Exclude Defendants' Trial Exhibits Nos. 627-635, # 2 Affidavit Affirmation of Jonathan W. Ferris in Support of Plaintiff's Motion in Limine, # 3 Exhibit A, |

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| | | # 4 Exhibit B, # 5 Exhibit C)(Ferris, Jonathan) (Entered: 04/28/2022) |
| 04/28/2022 | 278 | MOTION in Limine to <i>play the Unconscious Bias Video to Jurors</i> by Mary Van Brunt-Piehler. (Attachments: # 1 Memorandum in Support)(Ferris, Jonathan) (Entered: 04/28/2022) |
| 04/28/2022 | 279 | Proposed Jury Instructions by Mary Van Brunt-Piehler. (Ferris, Jonathan) (Entered: 04/28/2022) |
| 04/28/2022 | 280 | MOTION in Limine by Mary Van Brunt-Piehler. (Attachments: # 1 Memorandum in Support)(Ferris, Jonathan) (Entered: 04/28/2022) |
| 04/28/2022 | 281 | MOTION in Limine to <i>exclude documents not relied upon defendants in the decision to terminate plaintiff</i> by Mary Van Brunt-Piehler. (Attachments: # 1 Memorandum in Support, # 2 Affidavit, # 3 Exhibit)(Ferris, Jonathan) (Entered: 04/28/2022) |
| 05/04/2022 | 282 | MEMORANDUM in Opposition re 277 MOTION in Limine to <i>Exclude Defendants' Trial Exhibits Nos. 627-635</i> filed by Absolute Software Corporation, Absolute Software, Inc., Todd Awtry, Geoff Haydon, Thomas Kenny. (Lestrade, Laura) (Entered: 05/04/2022) |
| 05/04/2022 | 283 | DECLARATION signed by Joshua R. Kornfield re 277 MOTION in Limine to <i>Exclude Defendants' Trial Exhibits Nos. 627-635</i> filed by Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny filed by Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J, # 11 Exhibit K, # 12 Exhibit L, # 13 Exhibit M, # 14 Exhibit N, # 15 Exhibit O)(Lestrade, Laura) (Entered: 05/04/2022) |
| 05/04/2022 | 284 | MEMORANDUM in Opposition re 281 MOTION in Limine to <i>exclude documents not relied upon defendants in the decision to terminate plaintiff</i> filed by Absolute Software Corporation, Absolute |

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| | | Software, Inc., Todd Awtry, Geoff Haydon, Thomas Kenny. (Lestrade, Laura) (Entered: 05/04/2022) |
| 05/04/2022 | 285 | DECLARATION signed by Joshua R. Kornfield re 281 MOTION in Limine to exclude documents not relied upon defendants in the decision to terminate plaintiff filed by Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny filed by Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C)(Lestrade, Laura) (Entered: 05/04/2022) |
| 05/04/2022 | 286 | MEMORANDUM in Opposition re 278 MOTION in Limine to play the Unconscious Bias Video to Jurors filed by Absolute Software Corporation, Absolute Software, Inc., Todd Awtry, Geoff Haydon, Thomas Kenny. (Lestrade, Laura) (Entered: 05/04/2022) |
| 05/04/2022 | 287 | MEMORANDUM in Opposition re 275 MOTION in Limine to Admit the Verbatim Employee Survey Comments Based on the Testimony of Errol Olsen filed by Absolute Software Corporation, Absolute Software, Inc., Todd Awtry, Geoff Haydon, Thomas Kenny. (Lestrade, Laura) (Entered: 05/04/2022) |
| 05/04/2022 | 288 | DECLARATION signed by Joshua R. Kornfield re 275 MOTION in Limine to Admit the Verbatim Employee Survey Comments Based on the Testimony of Errol Olsen filed by Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny filed by Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G)(Lestrade, Laura) (Entered: 05/04/2022) |
| 05/04/2022 | 289 | MEMORANDUM in Opposition re 280 MOTION in Limine filed by Absolute Software Corporation, Absolute Software, Inc., Todd Awtry, Geoff |

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| | | Haydon, Thomas Kenny. (Lestrade, Laura) (Entered: 05/04/2022) |
| 05/04/2022 | 290 | DECLARATION signed by Joshua R. Kornfield re 280 MOTION in Limine filed by Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny filed by Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J, # 11 Exhibit K, # 12 Exhibit L, # 13 Exhibit M, # 14 Exhibit N, # 15 Exhibit O, # 16 Exhibit P, # 17 Exhibit Q, # 18 Exhibit R, # 19 Exhibit S, # 20 Exhibit T, # 21 Exhibit U, # 22 Exhibit V, # 23 Exhibit W)(Lestrade, Laura) (Entered: 05/04/2022) |
| 05/04/2022 | 291 | OBJECTIONS to Proposed Jury Instructions 279 filed by Defendants Absolute Software Corporation, Absolute Software, Inc., Todd Awtry, Geoff Haydon, Thomas Kenny.. (Lestrade, Laura) (Entered: 05/04/2022) |
| 05/04/2022 | 292 | PLAINTIFFS OBJECTIONS TO DEFENDANTS Amended Proposed Jury Instructions by Mary Van Brunt-Piehler. (Ferris, Jonathan) Modified on 5/5/2022 (TF). (Entered: 05/04/2022) |
| 05/04/2022 | 293 | RESPONSE in Opposition re 271 Second MOTION in Limine filed by Mary Van Brunt-Piehler. (Attachments: # 1 Affidavit, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F, # 8 Exhibit G, # 9 Exhibit H, # 10 Exhibit I, # 11 Exhibit J, # 12 Affidavit)(Ferris, Jonathan) (Entered: 05/04/2022) |
| 05/05/2022 | | E-Filing Notification: Incorrect event used to electronically file document. For future reference, use Objections event. No action required re 292 Proposed Jury Instructions by Mary Van Brunt-Piehler. Clerk to modify entry. (TF) (Entered: 05/05/2022) |
| 05/11/2022 | 295 | Minute Entry for proceedings held before Hon. Elizabeth A. Wolford: Appearances: J. Nelson |

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| | | Thomas, Esq. and Jonathan W. Ferris, Esq. on behalf of plaintiff; Laura M. Lestrade, Esq., Mark S. Sullivan, Esq., and Joshua R. Kornfield, Esq. on behalf of defendants. Interim Pretrial Conference held on 5/11/2022. Court addresses 278 MOTION in Limine <i>to play the Unconscious Bias Video to Jurors</i> and 281 MOTION in Limine <i>to exclude documents not relied upon defendants in the decision to terminate plaintiff</i> filed by Mary Van Brunt-Piehler; motions denied for reasons as stated on the record. Other pending Motions discussed on the record; Court reserves. Further submissions as discussed on the record to be provided by Friday, 5/20/2022. Telephone Status Conference set for 5/20/2022 at 9:00 AM with Hon. Elizabeth A. Wolford to address trial date. This is a public telephonic proceeding. To access the conference, dial (866) 434-5269 and enter access code 8632566# sufficiently in advance of the start time. Further Pretrial Conference set for 5/25/2022 at 2:00 PM in US Courthouse, 100 State Street, Rochester NY 14614 before Hon. Elizabeth A. Wolford. (Court Reporter Karen Clark.) (DPS) Modified on 1/9/2023 to include denial of 281 Motion in Limine (DPS). (Entered: 05/16/2022) |
| 05/13/2022 | 294 | Proposed Voir Dire by Mary Van Brunt-Piehler. (Ferris, Jonathan) (Entered: 05/13/2022) |
| 05/17/2022 | 296 | Letter filed by Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny as to Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny <i>Response to Plaintiff's Proposed Voir Dire.</i> (Kornfield, Joshua) (Entered: 05/17/2022) |
| 05/19/2022 | 297 | Letter filed by Mary Van Brunt-Piehler as to Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny <i>in response to defendants' May 17, 2022 letter.</i> (Ferris, Jonathan) (Entered: 05/19/2022) |
| 05/19/2022 | 298 | NOTICE of Appearance by Erin Kathryn Hanlon on behalf of Mary Van Brunt-Piehler (Hanlon, Erin) (Entered: 05/19/2022) |

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| 05/20/2022 | 299 | OBJECTIONS to Plaintiff's Deposition Testimony Designations of Errol Olsen filed by Defendants Absolute Software Corporation, Absolute Software, Inc., Todd Awtry, Geoff Haydon, Thomas Kenny. (Lestrade, Laura) (Entered: 05/20/2022) |
| 05/20/2022 | 300 | Trial Document by Mary Van Brunt-Piehler as to Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny <i>Joint Submission of Designated Deposition Testimony of Errol Olsen.</i> (Ferris, Jonathan) (Entered: 05/20/2022) |
| 05/20/2022 | 301 | OBJECTIONS to Trial Document 300 Plaintiff's Objections to Defendants' Designations of Errol Olsen Transcript filed by Plaintiff Mary Van Brunt-Piehler. (Ferris, Jonathan) (Entered: 05/20/2022) |
| 05/20/2022 | 302 | Minute Entry for proceedings held before Hon. Elizabeth A. Wolford: Appearances by telephone: J. Nelson Thomas, Esq., Jonathan W. Ferris, Esq., and Jessica Lynne Lukasiewicz, Esq. on behalf of plaintiff; Laura M. Lestrade, Esq., Mark S. Sullivan, Esq., Joshua R. Kornfield, Esq., and Krista Bolles, Esq. on behalf of defendants. Status Conference held on 5/20/2022 by telephone. Parties updated regarding Court's calendar; jury trial set for 5/31/2022 at 9:00 AM in US Courthouse, 100 State Street, Rochester NY 14614 to be rescheduled pending completion of current criminal trial. Pretrial Conference previously set for 5/25/2022 at 2:00 PM is <u>reset for 5/31/2022 at 2:00 PM</u> in US Courthouse, 100 State Street, Rochester NY 14614 before Hon. Elizabeth A. Wolford. (Court Reporter AT&T Teleconference.) (DPS) (Entered: 05/22/2022) |
| 05/25/2022 | 303 | TEXT ORDER. Due to the Court's current criminal trial calendar, and pursuant to the Court's email notification to all counsel on May 24, 2022, Jury Trial set for 5/31/2022 at 9:00 AM in US Courthouse, 100 State Street, Rochester NY 14614 before Hon. Elizabeth A. Wolford is hereby adjourned without date. The Pretrial Conference set for 5/31/2022 at 2:00 PM in US Courthouse, 100 State Street, Rochester NY 14614 before Hon. Elizabeth A. Wolford is also cancelled. Chambers |

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| | | of the undersigned will contact counsel to address further scheduling. Parties are encouraged to consider consent to Magistrate jurisdiction if an immediate trial date is desired. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 5/25/2022. (DPS) (Entered: 05/25/2022) |
| 06/17/2022 | 304 | TEXT ORDER. A telephonic status conference is scheduled for June 27, 2022, at 11:00 a.m. This is a public telephonic proceeding. To access the conference, dial (866) 434-5269 and enter access code 8632566# sufficiently in advance of the start time. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 06/17/2022. (CAL) (Entered: 06/17/2022) |
| 06/21/2022 | 305 | TEXT ORDER. As previously communicated to the parties, and due to defense counsel's unavailability, the status conference scheduled for June 27, 2022, at 11:00 a.m., is hereby canceled. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 06/21/2022. (CAL) (Entered: 06/21/2022) |
| 06/24/2022 | <u>306</u> | NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings (PRETRIAL CONFERENCE) held on 5/11/2022, before HONORABLE ELIZABETH A. WOLFORD. Court Reporter Karen J. Clark, RPR, KarenClark1013@AOL.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/15/2022. Redacted Transcript Deadline set for 7/25/2022. Release of Transcript Restriction set for 9/22/2022. (KJC) (Entered: 06/24/2022) |
| 08/17/2022 | <u>307</u> | MOTION for Discovery <i>Motion to Re-Open Discovery for the Limited Purpose of Deposing Lyle Singular</i> by Mary Van Brunt-Piehler. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Affidavit, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D, # <u>7</u> Exhibit E, # <u>8</u> Exhibit F)(Thomas, J.) (Entered: 08/17/2022) |

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| 08/17/2022 | 308 | TEXT ORDER re 307 Motion to Reopen Discovery. Responses are due on or before September 7, 2022. Replies are due on or before September 14, 2022. Upon review of the papers, the Court will determine if oral argument is necessary and, if so, will inform the parties of the date and time. Otherwise, the matter will be deemed submitted and decided on the papers. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 08/17/2022. (CAL) (Entered: 08/17/2022) |
| 09/07/2022 | 309 | MEMORANDUM in Opposition re 307 MOTION for Discovery <i>Motion to Re-Open Discovery for the Limited Purpose of Deposing Lyle Singular</i> filed by Absolute Software Corporation, Absolute Software, Inc., Todd Awtry, Geoff Haydon, Thomas Kenny. (Attachments: # 1 Declaration of Joshua R. Kornfield, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F, # 8 Exhibit G)(Lestrade, Laura) (Entered: 09/07/2022) |
| 09/14/2022 | 310 | REPLY to Response to Motion re 307 MOTION for Discovery <i>Motion to Re-Open Discovery for the Limited Purpose of Deposing Lyle Singular</i> filed by Mary Van Brunt-Piehler. (Attachments: # 1 Affidavit, # 2 Exhibit G, # 3 Exhibit H)(Thomas, J.) (Entered: 09/14/2022) |
| 09/15/2022 | 311 | NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings (TELEPHONE STATUS CONFERENCE) held on 05/20/2022 VIA AT&T TELEPHONE CONFERENCE SYSTEM, before HONORABLE ELIZABETH A. WOLFORD. Transcriber Karen J. Clark, RPR, KarenClark1013@AOL.com. Transcript may be viewed at the court public terminal or purchased through the Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/6/2022. Redacted Transcript Deadline set for 10/17/2022. Release of Transcript Restriction set for 12/14/2022. (KJC) (Entered: 09/15/2022) |
| 09/15/2022 | 312 | DECLARATION signed by Joshua R. Kornfield re 309 Memorandum in Opposition to Motion, filed |

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| | | by Absolute Software Corporation, Absolute Software, Inc., Todd Awtry, Geoff Haydon, Thomas Kenny . (Attachments: # 1 Exhibit A)(Kornfield, Joshua) (Entered: 09/15/2022) |
| 10/31/2022 | 313 | TEXT ORDER. A telephone status conference is scheduled for Tuesday, November 8, 2022, at 3:00 p.m., before the Hon. Elizabeth A. Wolford. Counsel shall be prepared to set a trial date at this conference. This is a public telephonic proceeding. To access the conference, dial (866) 434-5269 and enter access code 8632566# sufficiently in advance of the start time. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 10/31/2022. (CAL) (Entered: 10/31/2022) |
| 11/08/2022 | 314 | Minute Entry for proceedings held before Hon. Elizabeth A. Wolford: Appearances by telephone: J. Nelson Thomas, Esq. and Jonathan W. Ferris, Esq. on behalf of plaintiff; Laura M. Lestrade, Esq. and Mark S. Sullivan, Esq. on behalf of defendants. Telephone Conference held on 11/8/2022 to address setting a trial date. Jury Trial tentatively scheduled for 3/6/2023; parties directed to hold date(s) pending further confirmation from Court. Pretrial Conference date to be scheduled accordingly. (Court Reporter AT&T Teleconference.) (DPS) (Entered: 11/08/2022) |
| 11/10/2022 | 315 | TEXT ORDER. A jury trial in this matter is scheduled to commence on <u>Monday, March 6, 2023, at 9:00 a.m.</u> , at the United States Courthouse, 100 State Street, Rochester, NY, before the Hon. Elizabeth A. Wolford. This is a day-certain trial that will not be adjourned except for the trial of criminal cases which take precedence pursuant to 18 U.S.C. § 3161. The trial will proceed daily, commencing at 9:00 a.m. and continuing until approximately 5:00 p.m. each day. It is anticipated that the trial will last approximately two weeks and conclude by Friday, March 17, 2023. A pretrial conference will also be scheduled, and the Court will issue a separate text order confirming the date and time for said conference. Deadlines for any |

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| | | <p>further pretrial submissions will be discussed at the pretrial conference.</p> <p>SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 11/10/2022. (CAL) (Entered: 11/10/2022)</p> |
| 11/14/2022 | 316 | <p>TEXT ORDER. A pretrial conference is scheduled for <u>Friday, January 13, 2023, at 10:30 a.m.</u>, at the United States Courthouse, 100 State Street, Rochester, New York. All attorneys who will actually try the case must be present at the pretrial conference. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 11/14/2022. (CAL) (Entered: 11/14/2022)</p> |
| 12/29/2022 | 317 | <p>Letter filed by Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny as to Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny . (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E)(Sullivan, Mark) (Entered: 12/29/2022)</p> |
| 01/10/2023 | 318 | <p>Letter filed by Mary Van Brunt-Piehler as to Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny <i>response to Defendants' December 29, 2022 letter.</i> (Ferris, Jonathan) (Entered: 01/10/2023)</p> |
| 01/13/2023 | 319 | <p>Minute Entry for proceedings held before Hon. Elizabeth A. Wolford: J. Nelson Thomas, Esq., Jonathan W. Ferris, Esq., Jessica L. Lukasiewicz, Esq., and, Erin K. Hanlon, Esq. on behalf of plaintiff; Laura M. Lestrade, Esq., Mark S. Sullivan, Esq., and, Joshua R. Kornfield, Esq. on behalf of defendants. Pretrial Conference held on 1/13/2023. Court addresses motions pending at 307 , 271 , 275 , 277 , and 280 ; separate order to be entered clarifying decisions as discussed on the record. Clarification regarding plaintiff's duty to supplement (see 317 and 318) provided. Deadlines set with regard to the following issues: Singular deposition disputes; disclosure of employee spreadsheets and underlying data; bifurcation motions; production of live witness (Singular);</p> |

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| | | records custodian (Booker). Dates to be confirmed via separate order. Further Pretrial Conference set for 2/22/2023 at 10:30 AM in Courtroom 3, 1st Floor, 100 State Street, Rochester NY before Hon. Elizabeth A. Wolford. (Court Reporter Karen Clark.) (DPS) (Entered: 01/18/2023) |
| 01/18/2023 | 320 | ORDER memorializing various rulings with respect to pending motions <i>in limine</i> and setting further pretrial deadlines, as set on the record at the January 13, 2023 pretrial conference. Signed by Hon. Elizabeth A. Wolford on 01/18/2023. (CAL) (Entered: 01/18/2023) |
| 01/20/2023 | 321 | NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings (PRETRIAL CONFERENCE) held on 01/13/2023, before HONORABLE ELIZABETH A. WOLFORD. Court Reporter Karen J. Clark, RPR, KarenClark1013@AOL.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 2/10/2023. Redacted Transcript Deadline set for 2/21/2023. Release of Transcript Restriction set for 4/20/2023. (KJC) (Entered: 01/20/2023) |
| 01/27/2023 | 322 | MOTION to have Lyle Singular Testify Live at Trial by Mary Van Brunt-Piehler. (Attachments: # 1 Memorandum in Support, # 2 Declaration, # 3 Exhibit A, # 4 Exhibit B, # 5 Exhibit C, # 6 Exhibit D, # 7 Exhibit E)(Ferris, Jonathan) Modified on 1/30/2023 (TF). (Entered: 01/27/2023) |
| 01/30/2023 | | E-Filing Notification: Document filed improperly as a motion. Court terminated motion and modified docket text to correctly reflect filing event. No action required. 322 TRIAL BRIEF Plaintiff's Motion to Have Lyle Singular Testify Live at Trial by Mary Van Brunt-Piehler. (TF) (Entered: 01/30/2023) |
| 01/30/2023 | | E-Filing Notification: Incorrect event used to electronically file document. For future reference, use MOTION event. No action required. Clerk |

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| | | modified entry. 322 MOTION to Permit Lyle Singular to Testify Live. (TF) (Entered: 01/30/2023) |
| 02/08/2023 | 323 | Disregard entry refiled as 325 - RESPONSE in Opposition re 322 MOTION filed by Absolute Software Corporation, Absolute Software, Inc., Todd Awtry, Geoff Haydon, Thomas Kenny. (Lestrade, Laura) Modified on 2/10/2023 (TF). (Entered: 02/08/2023) |
| 02/08/2023 | 324 | Trial Document by Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny as to Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny <i>Joint Submission of Designated Deposition Testimony of Lyle Singular</i> . (Lestrade, Laura) (Entered: 02/08/2023) |
| 02/08/2023 | 325 | OBJECTIONS to Trial Document, 324 <i>Defendants' Objections to Plaintiff's Deposition Testimony Designations of Lyle Singular</i> filed by Defendants Absolute Software Corporation, Absolute Software, Inc., Todd Awtry, Geoff Haydon, Thomas Kenny.. (Lestrade, Laura) (Entered: 02/08/2023) |
| 02/10/2023 | | E-Filing Notification: Disregard entry re 323 RESPONSE in Opposition re 322 MOTION. Attorney refiled pdf using the correct event re 325 OBJECTIONS to Trial Document, 324 <i>Defendants' Objections to Plaintiff's Deposition Testimony Designations of Lyle Singular</i> . (TF) (Entered: 02/10/2023) |
| 02/10/2023 | 326 | MEMORANDUM in Opposition re 322 MOTION to Permit Lyle Singular to Testify filed by Absolute Software Corporation, Absolute Software, Inc., Todd Awtry, Geoff Haydon, Thomas Kenny. (Attachments: # 1 Declaration Joshua R. Kornfield, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E)(Lestrade, Laura) (Entered: 02/10/2023) |
| 02/10/2023 | 327 | MOTION to Permit Robert Booker to Testify at Trial by Absolute Software Corporation, Absolute Software, Inc., Todd Awtry, Geoff Haydon, Thomas Kenny. (Attachments: # 1 Memorandum in Support, # 2 Declaration Joshua R. Kornfield, # 3 Exhibit A, |

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| | | # 4 Exhibit B, # 5 Exhibit C, # 6 Exhibit D, # 7 Exhibit E, # 8 Exhibit F)(Lestrade, Laura) (Entered: 02/10/2023) |
| 02/17/2023 | 328 | <p>TEXT ORDER. The pretrial conference scheduled for February 22, 2023, at 10:30 a.m. before the undersigned is hereby converted to a remote video appearance. The conference will be held via Zoom for Government. Counsel will be provided instructions for accessing Zoom for Government in advance of the conference date. This conference is a public proceeding, and therefore anyone wishing to attend should contact the undersigned's Chambers at wolford@nywd.uscourts.gov or (585) 613-4320 for instructions.</p> <p>In light of the impending trial date in this matter, an in-person appearance is necessary. The Court having reached out to counsel to ascertain their availability for such an appearance but having received no response, an in-person status conference is hereby scheduled for <u>Tuesday, February 28, 2023, at 1:00 p.m.</u> at the United States Courthouse, 100 State Street, Rochester, New York. <u>Counsel who will try the case are required to attend.</u> SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 02/17/2023 (CDH) (Entered: 02/17/2023)</p> |
| 02/17/2023 | 329 | MEMORANDUM in Opposition re 327 MOTION to Permit Robert Booker to Testify at Trial filed by Mary Van Brunt-Piehler. (Ferris, Jonathan) (Entered: 02/17/2023) |
| 02/21/2023 | 330 | <p>TEXT ORDER. As the Court advised the parties by email, the remote video appearance scheduled for Wednesday, February 22, 2023, is hereby cancelled. The in-person conference scheduled for <u>Tuesday, February 28, 2023, at 1:00 p.m.</u>, remains in place, and <u>all counsel who will try the case are required to attend.</u> SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 02/21/2023. (CAL) (Entered: 02/21/2023)</p> |
| 02/27/2023 | 331 | Letter filed by Mary Van Brunt-Piehler as to Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny to Judge Wolford regarding February 28, |

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| | | <i>2023 pretrial conference.</i> (Ferris, Jonathan) (Entered: 02/27/2023) |
| 02/27/2023 | 332 | Letter filed by Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny as to Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny <i>response to Plaintiff's February 27, 2023 letter.</i> (Lestrade, Laura) (Entered: 02/27/2023) |
| 02/27/2023 | 333 | Exhibit List <i>Defendants' Amended and Corrected Exhibit List</i> by Absolute Software Corporation, Absolute Software, Inc., Todd Awtry, Geoff Haydon, Thomas Kenny.. (Lestrade, Laura) (Entered: 02/27/2023) |
| 02/27/2023 | 334 | Exhibit List <i>Amended-Corrected</i> by Mary Van Brunt-Piehler.. (Ferris, Jonathan) (Entered: 02/27/2023) |
| 02/28/2023 | 335 | TEXT ORDER. The in-person conference scheduled for 1:00 PM on February 28, 2023, is hereby rescheduled for <u>1:00 PM on Wednesday, March 1, 2023</u> , at the United States Courthouse, 100 State Street, Rochester, New York, before the Hon. Elizabeth A. Wolford. <u>All counsel who will try the case are required to attend.</u> SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 02/28/2023. (CAL) (Entered: 02/28/2023) |
| 02/28/2023 | 336 | Letter filed by Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny as to Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny . (Kornfield, Joshua) (Entered: 02/28/2023) |
| 03/01/2023 | 337 | BENCH STATEMENT denying 322 MOTION to Permit Lyle Singular to Testify Live at Trial, filed by Mary Van Brunt-Piehler. Signed by Hon. Elizabeth A. Wolford on 03/01/2023. (CAL) (Entered: 03/01/2023) |
| 03/01/2023 | 343 | Minute Entry for proceedings held before Hon. Elizabeth A. Wolford: Appearances: J. Nelson Thomas, Esq., Jonathan W. Ferris, Esq., and, Jessica L. Lukasiewicz, Esq. on behalf of plaintiff; Laura |

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| | | <p>M. Lestrade, Esq., Mark S. Sullivan, Esq., and, Joshua R. Kornfield, Esq. on behalf of defendants. Pretrial Conference held on 3/1/2023. Court addresses pending motions and for the reasons stated on the record, 327 Defendants' Motion to Permit Robert Booker to Testify as a records custodian is granted; and for reasons stated on the record at the appearance on January 13, 2023, and March 1, 2023, 277 Plaintiff's Motion to Exclude Defendants' Trial Exhibits 627-635 is denied. Defendants may amend the exhibits to correct the error identified in their letter filed on February 28, 2023, at Docket 336.</p> <p>322 Plaintiff's Motion to Have Lyle Singular Testify Live at Trial is denied, for the reasons stated in the bench decision distributed to counsel and subsequently filed at Docket 337.</p> <p>Jury Trial remains set for 3/6/2023 at 9:00 AM in US Courthouse, 100 State Street, Rochester NY 14614 before Hon. Elizabeth A. Wolford. (Court Reporter Karen Clark.) (DPS) (Entered: 03/03/2023)</p> |
| 03/02/2023 | 338 | Exhibit List <i>Defendants' Amended Trial Exhibit List</i> by Absolute Software Corporation, Absolute Software, Inc., Todd Awtry, Geoff Haydon, Thomas Kenny.. (Lestrade, Laura) (Entered: 03/02/2023) |
| 03/03/2023 | 339 | Letter filed by Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny as to Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny . (Sullivan, Mark) (Entered: 03/03/2023) |
| 03/03/2023 | 340 | Proposed Voir Dire by Absolute Software Corporation, Absolute Software, Inc., Todd Awtry, Geoff Haydon, Thomas Kenny. (Sullivan, Mark) (Entered: 03/03/2023) |
| 03/03/2023 | 341 | TEXT ORDER. A telephonic status conference is scheduled for <u>today, March 3, 2023, at 12:00 p.m.</u> This is a public telephonic proceeding. To access the conference, dial (866) 434-5269 and enter access code 8632566# sufficiently in advance |

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| | | of the start time. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 03/03/2023. (CAL) (Entered: 03/03/2023) |
| 03/03/2023 | 342 | NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings(PRETRIAL CONFERENCE) held on 03/01/2023, before HONORABLE ELIZABETH A. WOLFORD. Court Reporter Karen J. Clark, RPR, KarenClark1013@AOL.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/24/2023. Redacted Transcript Deadline set for 4/3/2023. Release of Transcript Restriction set for 6/1/2023. (KJC) (Entered: 03/03/2023) |
| 03/03/2023 | 344 | Minute Entry for proceedings held before Hon. Elizabeth A. Wolford: Appearances by telephone: J. Nelson Thomas, Esq., Jonathan W. Ferris, Esq., and, Jessica L. Lukasiewicz, Esq. on behalf of plaintiff; Laura M. Lestrade, Esq., Mark S. Sullivan, Esq., and, Joshua R. Kornfield, Esq. on behalf of defendants. Telephone Status Conference held on 3/3/2023 to address communications with Court regarding withdrawal of particular claims. Jury Trial remains set for 3/6/2023 at 9:00 AM in US Courthouse, 100 State Street, Rochester NY 14614 before Hon. Elizabeth A. Wolford. (Court Reporter Karen Clark.) (DPS) (Entered: 03/03/2023) |
| 03/03/2023 | 345 | Proposed Voir Dire by Mary Van Brunt-Piehler. (Ferris, Jonathan) (Entered: 03/03/2023) |
| 03/03/2023 | 346 | Exhibit List <i>Amended/Corrected</i> by Mary Van Brunt-Piehler.. (Ferris, Jonathan) (Entered: 03/03/2023) |
| 03/05/2023 | 347 | Exhibit List <i>Amended and Updated Trial Exhibit List</i> by Absolute Software Corporation, Absolute Software, Inc., Todd Awtry, Geoff Haydon, Thomas Kenny.. (Kornfield, Joshua) (Entered: 03/05/2023) |
| 03/05/2023 | 348 | STIPULATION of Dismissal (<i>Partial</i>) by Mary Van Brunt-Piehler. (Ferris, Jonathan) (Entered: 03/05/2023) |

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| 03/06/2023 | 349 | STIPULATION AND ORDER of Partial Dismissal. Signed by Hon. Elizabeth A. Wolford on 03/06/2023. (CAL) (Entered: 03/06/2023) |
| 03/06/2023 | 350 | Minute Entry for proceedings held before Hon. Elizabeth A. Wolford: Appearances: J. Nelson Thomas, Esq., Jonathan W. Ferris, Esq., and, Jessica L. Lukasiewicz, Esq. with plaintiff M. Van Brunt-Piehler; Laura M. Lestrade, Esq., Mark S. Sullivan, Esq., and, Joshua R. Kornfield, Esq. with defendants Peter Chess, Esq. of Absolute Software Corporation, Todd Awtry, and, Thomas Kenny. Jury Trial commenced on 3/6/2023. Jury selection completed, jury sworn in. Preliminary instructions and openings completed; proof begins. Plaintiff M. Van Brunt-Piehler called. Jury Trial set to continue on 3/7/2023 at 9:00 AM in US Courthouse, 100 State Street, Rochester NY 14614 before Hon. Elizabeth A. Wolford. (Court Reporter Karen Clark.) (DPS) (Entered: 03/06/2023) |
| 03/06/2023 | 351 | Letter filed by Mary Van Brunt-Piehler as to Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny . (Ferris, Jonathan) (Entered: 03/06/2023) |
| 03/06/2023 | 352 | Letter filed by Mary Van Brunt-Piehler as to Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny <i>as to additional proposed designations to the deposition transcript of Daniel Berardo.</i> (Ferris, Jonathan) (Entered: 03/06/2023) |
| 03/07/2023 | 353 | Letter filed by Mary Van Brunt-Piehler as to Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny . (Attachments: # 1 Exhibit)(Ferris, Jonathan) (Entered: 03/07/2023) |
| 03/07/2023 | 354 | Letter filed by Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny as to Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny <i>Response to Letter at Dkt. 351.</i> (Kornfield, Joshua) (Entered: 03/07/2023) |
| 03/07/2023 | 355 | NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 3/6/2023, |

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| | | before Judge Judge Wolford. Court Reporter/Transcriber Karen J. Clark, Karenclark1013@AOL.com. Volume Number: 1, Trial. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/28/2023. Redacted Transcript Deadline set for 4/7/2023. Release of Transcript Restriction set for 6/5/2023. (TF) (Entered: 03/07/2023) |
| 03/07/2023 | 356 | Letter filed by Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny as to Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny . (Lestrade, Laura) (Entered: 03/07/2023) |
| 03/07/2023 | 357 | Minute Entry for proceedings held before Hon. Elizabeth A. Wolford: Appearances: J. Nelson Thomas, Esq., Jonathan W. Ferris, Esq., and, Jessica L. Lukasiewicz, Esq. with plaintiff M. Van Brunt-Piehler; Laura M. Lestrade, Esq., Mark S. Sullivan, Esq., and, Joshua R. Kornfield, Esq. with defendants Peter Chess, Esq. of Absolute Software Corporation, Todd Awtry, and, Thomas Kenny. Jury Trial continued on 3/7/2023. Plaintiff M. Van Brunt-Piehler testimony continues. Jury Trial set to continue on 3/8/2023 at 9:00 AM in US Courthouse, 100 State Street, Rochester NY 14614 before Hon. Elizabeth A. Wolford. (Court Reporter Karen Clark.) (DPS) (Entered: 03/07/2023) |
| 03/08/2023 | 358 | Minute Entry for proceedings held before Hon. Elizabeth A. Wolford: Appearances: J. Nelson Thomas, Esq., Jonathan W. Ferris, Esq., and, Jessica L. Lukasiewicz, Esq. with plaintiff M. Van Brunt-Piehler; Laura M. Lestrade, Esq., Mark S. Sullivan, Esq., and, Joshua R. Kornfield, Esq. with defendants Peter Chess, Esq. of Absolute Software Corporation, Todd Awtry, and, Thomas Kenny. Jury Trial continued on 3/8/2023. Plaintiff M. Van Brunt-Piehler testimony completed; proof continued. Jury Trial set to continue on 3/9/2023 at 9:00 AM in US Courthouse, 100 State Street, |

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| | | Rochester NY 14614 before Hon. Elizabeth A. Wolford. (Court Reporter Karen Clark.) (DPS) (Entered: 03/08/2023) |
| 03/08/2023 | 359 | NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings (TRIAL - VOLUME III - TESTIMONY OF M. VANBRUNT-PIEHLER AND VIDEO TESTIMONY OF D. BERARDO) held on 03/08/2023, HONORABLE ELIZABETH A. WOLFORD. Court Reporter Karen J. Clark, RPR, KarenClark1013@AOL.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/29/2023. Redacted Transcript Deadline set for 4/10/2023. Release of Transcript Restriction set for 6/6/2023. (KJC) (Entered: 03/08/2023) |
| 03/09/2023 | 360 | NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings (TRIAL - VOLUME II - TESTIMONY OF M. VANBRUNT-PIEHLER) held on 03/07/2023, before HONORABLE ELIZABETH A. WOLFORD. Court Reporter Karen J. Clark, RPR, KarenClark1013@AOL.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/30/2023. Redacted Transcript Deadline set for 4/10/2023. Release of Transcript Restriction set for 6/7/2023. (KJC) (Entered: 03/09/2023) |
| 03/09/2023 | 361 | Minute Entry for proceedings held before Hon. Elizabeth A. Wolford: Appearances: J. Nelson Thomas, Esq. and Jonathan W. Ferris, Esq. with plaintiff M. Van Brunt-Piehler; Laura M. Lestrade, Esq., Mark S. Sullivan, Esq., and, Joshua R. Kornfield, Esq. with defendants Peter Chess, Esq. of Absolute Software Corporation, Todd Awtry, and, Thomas Kenny. Jury Trial continued on 3/9/2023. Plaintiff rests; defense calls witness R. Booker. Court reserves decision with regard to defendants' verbal Rule 50 Motion for Judgment. Jury Trial set to continue on 3/10/2023 at 9:00 AM in US |

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| | | Courthouse, 100 State Street, Rochester NY 14614 before Hon. Elizabeth A. Wolford. (Court Reporter Karen Clark.) (DPS) (Entered: 03/09/2023) |
| 03/10/2023 | 362 | Minute Entry for proceedings held before Hon. Elizabeth A. Wolford: Appearances: J. Nelson Thomas, Esq., Jonathan W. Ferris, Esq., and, Jessica L. Lukasiewicz, Esq. with plaintiff M. Van Brunt-Piehler; Laura M. Lestrade, Esq., Mark S. Sullivan, Esq., and, Joshua R. Kornfield, Esq. with defendants Peter Chess, Esq. of Absolute Software Corporation, Todd Awtry, and, Thomas Kenny. Jury Trial continued on 3/10/2023. Defendant T. Kenny called; testimony completed. Jury Trial set to continue on 3/13/2023 at 9:30 AM in US Courthouse, 100 State Street, Rochester NY 14614 before Hon. Elizabeth A. Wolford. (Court Reporter Karen Clark.) (DPS) (Entered: 03/11/2023) |
| 03/13/2023 | <u>363</u> | NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings (TRIAL - TESTIMONY OF E. OLSEN VIA VIDEO, TESTIMONY OF A. RATHBUN VIA VIDEO, TESTIMONY OF R. BOOKER) held on 03/09/2023, before HONORABLE ELIZABETH A. WOLFORD. Court Reporter Karen J. Clark, RPR, KarenClark1013@AOL.com. Volume Number: IV. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 4/3/2023. Redacted Transcript Deadline set for 4/13/2023. Release of Transcript Restriction set for 6/12/2023. (KJC) (Entered: 03/13/2023) |
| 03/13/2023 | 364 | Minute Entry for proceedings held before Hon. Elizabeth A. Wolford: Appearances: J. Nelson Thomas, Esq., Jonathan W. Ferris, Esq., and, Jessica L. Lukasiewicz, Esq. with plaintiff M. Van Brunt-Piehler; Laura M. Lestrade, Esq., Mark S. Sullivan, Esq., and, Joshua R. Kornfield, Esq. with defendants Peter Chess, Esq. of Absolute Software Corporation, Todd Awtry, and, Thomas Kenny. Jury Trial continued on 3/13/2023. Defense calls witness L. Ramsden and defendant T. Awtry. Jury Trial set to continue on 3/14/2023 at 9:00 AM in US |

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| | | Courthouse, 100 State Street, Rochester NY 14614 before Hon. Elizabeth A. Wolford. (Court Reporter Karen Clark.) (DPS) (Entered: 03/13/2023) |
| 03/14/2023 | 365 | Minute Entry for proceedings held before Hon. Elizabeth A. Wolford: Appearances: J. Nelson Thomas, Esq. and Jonathan W. Ferris, Esq. with plaintiff M. Van Brunt-Piehler; Laura M. Lestrade, Esq., Mark S. Sullivan, Esq., and, Joshua R. Kornfield, Esq. with defendants Peter Chess, Esq. of Absolute Software Corporation, Todd Awtry, Thomas Kenny, and, Geoff Haydon. Jury Trial continued on 3/14/2023. Defendant T. Awtry testimony completed; defendant G. Haydon called. Defense rests; plaintiff confirms no rebuttal; proof closed. Charge conference held. Defendants' verbally renew Rule 50 Motion for Judgment; Court reserves. Jury Trial set to continue on 3/15/2023 at 9:00 AM in US Courthouse, 100 State Street, Rochester NY 14614 before Hon. Elizabeth A. Wolford. (Court Reporter Karen Clark.) (DPS) (Entered: 03/14/2023) |
| 03/15/2023 | <u>366</u> | NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings (TESTIMONY OF TODD AWTRY & GEOFF HAYDON, JURY CHARGE CONFERENCE) held on 03/14/2023, before HONORABLE ELIZABETH A. WOLFORD. Court Reporter Karen J. Clark, RPR, KarenClark1013@AOL.com. Volume Number: VII. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 4/5/2023. Redacted Transcript Deadline set for 4/17/2023. Release of Transcript Restriction set for 6/13/2023. (KJC) (Entered: 03/15/2023) |
| 03/15/2023 | 367 | Minute Entry for proceedings held before Hon. Elizabeth A. Wolford: Appearances: J. Nelson Thomas, Esq., Jonathan W. Ferris, Esq., and, Jessica L. Lukasiewicz, Esq. with plaintiff M. Van Brunt-Piehler; Laura M. Lestrade, Esq., Mark S. Sullivan, Esq., and, Joshua R. Kornfield, Esq. with defendants Peter Chess, Esq. of Absolute Software Corporation, Todd Awtry, Thomas Kenny, and, |

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| | | Geoff Haydon. Jury Trial continued on 3/15/2023. Closing arguments proceed; final instructions given. Deliberations begin; Judge orders meals for jurors. Jury Trial set to continue on 3/16/2023 at 9:00 AM in US Courthouse, 100 State Street, Rochester NY 14614 before Hon. Elizabeth A. Wolford. (Court Reporter Karen Clark.) (DPS) (Entered: 03/15/2023) |
| 03/16/2023 | 368 | Minute Entry for proceedings held before Hon. Elizabeth A. Wolford: Appearances: J. Nelson Thomas, Esq., Jonathan W. Ferris, Esq., and, Jessica L. Lukasiewicz, Esq. with plaintiff M. Van Brunt-Piehler; Laura M. Lestrade, Esq., Mark S. Sullivan, Esq., and, Joshua R. Kornfield, Esq. with defendants Peter Chess, Esq. of Absolute Software Corporation, Todd Awtry, Thomas Kenny, and, Geoff Haydon. Jury Trial completed on 3/16/2023. Deliberations continue; Judge orders meals for jurors. Verdict reached; jury finds in favor of plaintiff on retaliation claim pursuant to the NYS Human Rights Law. Compensatory damages awarded in the amount of \$75,000. (Court Reporter Karen Clark.) (DPS) (Entered: 03/16/2023) |
| 03/16/2023 | 369 | JURY VERDICT. (TF) (Entered: 03/16/2023) |
| 03/16/2023 | 370 | Sealed Unredacted Document filed pursuant to FRCP 5.2. (TF) (Entered: 03/16/2023) |
| 03/17/2023 | 371 | INTERIM JUDGMENT in favor of Mary Van Brunt-Piehler against Defendants'. Signed by Clerk of Court on 3/17/2023. (TF) (Entered: 03/17/2023) |
| 03/23/2023 | 372 | TEXT ORDER. Telephone Status Conference set for 4/11/2023 at 10:00 AM with Hon. Elizabeth A. Wolford to address post-trial proceedings. To access the conference, dial (866) 434-5269 and enter access code 8632566# sufficiently in advance of the start time. Signed by Hon. Elizabeth A. Wolford on 3/23/2023. (DPS) (Entered: 03/23/2023) |
| 03/27/2023 | 373 | NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings (TRIAL - VOLUME V - TESTIMONY OF THOMAS KENNY) held on 03/10/2023, before HONORABLE ELIZABETH A. WOLFORD. Court Reporter Karen J. Clark, RPR, KarenClark1013@AOL.com. Volume Number: 5. |

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| | | Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 4/17/2023. Redacted Transcript Deadline set for 4/27/2023. Release of Transcript Restriction set for 6/26/2023. (KJC) (Entered: 03/27/2023) |
| 03/30/2023 | 374 | MOTION for Extension of Time to File <i>Motion for Attorneys' Fees, Costs, and Expenses Under Rule 54(d)</i> by Mary Van Brunt-Piehler. (Attachments: # 1 Memorandum in Support, # 2 Affidavit)(Ferris, Jonathan) (Entered: 03/30/2023) |
| 04/10/2023 | 375 | NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings (TRIAL - VOLUME VI -TESTIMONY OF L. RAMSDEN AND T. AWTRY) held on 03/13/2023, before HONORABLE ELIZABETH A. WOLFORD. Court Reporter Karen J. Clark, RPR, KarenClark1013@AOL.com. Volume Number: 6. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 5/1/2023. Redacted Transcript Deadline set for 5/11/2023. Release of Transcript Restriction set for 7/10/2023. (KJC) (Entered: 04/10/2023) |
| 04/10/2023 | 376 | NOTICE OF FILING OF REFORMATTED OFFICIAL TRANSCRIPT of Proceedings (TRIAL - VOLUME VII -M TESTIMONY OF T. AWTRY & GEOFF HAYDON) held on 03/14/2023, before HONORABLE ELIZABETH A. WOLFORD. Court Reporter Karen J. Clark, RPR, KarenClark1013@AOL.com. Volume Number: 7. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 5/1/2023. Redacted Transcript Deadline set for 5/11/2023. Release of Transcript Restriction set for 7/10/2023. (KJC) (Entered: 04/10/2023) |

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| 04/10/2023 | 377 | NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings (TRIAL - VOLME VIII - CLOSING ARGUMENTS, JURY CHARGE, DELIBERATION COMMUNICATIONS.) held on 03/15/2023, before HONORABLE ELIZABETH A. WOLFORD. Court Reporter Karen J. Clark, RPR, KarenClark1013@AOL.com. Volume Number: 8. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 5/1/2023. Redacted Transcript Deadline set for 5/11/2023. Release of Transcript Restriction set for 7/10/2023. (KJC) (Entered: 04/10/2023) |
| 04/11/2023 | 378 | TEXT ORDER granting 374 Motion for Extension of Time to File Motion for Attorney's Fees, Costs, and Expenses. Plaintiff shall file any such motion by 60 days after the final judgment is entered in the case. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 04/11/2023. (CAL) (Entered: 04/11/2023) |
| 04/11/2023 | 379 | NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings (TRIAL - VOLUME IX - DELIBERATION NOTES AND VERDICT) held on 03/16/2023, before HONORABLE ELIZABETH A. WOLFORD. Court Reporter Karen J. Clark, RPR, KarenClark1013@AOL.com. Volume Number: 9. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 5/2/2023. Redacted Transcript Deadline set for 5/12/2023. Release of Transcript Restriction set for 7/10/2023. (KJC) (Entered: 04/11/2023) |
| 04/11/2023 | 380 | Minute Entry for proceedings held before Hon. Elizabeth A. Wolford: Appearances by telephone: J. Nelson Thomas, Esq. and Jonathan W. Ferris, Esq. on behalf of plaintiff; Laura M. Lestrade, Esq., Mark S. Sullivan, Esq., and, Joshua R. Kornfield, Esq. on behalf of defendants. Status Conference held on 4/11/2023. Court addresses 374 MOTION for Extension of Time to File Motion for Attorneys' |

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| | | Fees, Costs, and Expenses Under Rule 54(d); request granted, separate text order to be issued. Post trial motions to be filed by Friday, 4/14/2023; briefing schedule set as discussed on the record and will be confirmed via text order pending filing. Parties directed to contact Magistrate Judge Marian W. Payson within 30 days to schedule mediation, unless a mutually agreed upon mediator is chosen. Joint status letter to be submitted to the undersigned within 30 days. (Court Reporter Karen Clark.) (DPS) (Entered: 04/12/2023) |
| 04/14/2023 | 381 | MOTION for Judgment as a Matter of Law by Absolute Software Corporation, Absolute Software, Inc..(Lestrade, Laura) (Entered: 04/14/2023) |
| 04/14/2023 | 382 | DECLARATION signed by Joshua R. Kornfield re 381 MOTION for Judgment as a Matter of Law filed by Absolute Software Corporation, Absolute Software, Inc. filed by Absolute Software Corporation, Absolute Software, Inc.. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J, # 11 Exhibit K, # 12 Exhibit L, # 13 Exhibit M, # 14 Exhibit N, # 15 Exhibit O, # 16 Exhibit P, # 17 Exhibit Q, # 18 Exhibit R, # 19 Exhibit S, # 20 Exhibit T, # 21 Exhibit U, # 22 Exhibit V, # 23 Exhibit W)(Lestrade, Laura) (Entered: 04/14/2023) |
| 04/14/2023 | 383 | MEMORANDUM in Support re 381 MOTION for Judgment as a Matter of Law filed by Absolute Software Corporation, Absolute Software, Inc.. (Lestrade, Laura) (Entered: 04/14/2023) |
| 04/14/2023 | 384 | MOTION for New Trial by Mary Van Brunt-Piehler.(Thomas, J.) (Entered: 04/14/2023) |
| 04/14/2023 | 385 | AFFIDAVIT in Support re 384 MOTION for New Trial filed by Mary Van Brunt-Piehler. (Attachments: # 1 Exhibit Exhibits A-F, # 2 Exhibit Exhibit G-K, # 3 Exhibit Exhibits L-P, # 4 Exhibit Exhibits Q-U, # 5 Exhibit Exhibits V-Z, # 6 Exhibit Exhibits AA-AJ, # 7 Exhibit Exhibits AK-AT)(Thomas, J.) (Entered: 04/14/2023) |

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| 04/14/2023 | 386 | MEMORANDUM in Support re 384 MOTION for New Trial filed by Mary Van Brunt-Piehler. (Thomas, J.) (Entered: 04/14/2023) |
| 04/17/2023 | 387 | TEXT ORDER re 381 and 384 post-trial motions. Responses are due on or before <u>May 12, 2023</u> ; Replies are due on or before <u>May 26, 2023</u> . Upon review of the papers, the Court will determine if oral argument is necessary and, if so, will inform the parties of the date and time. Otherwise, the matter will be deemed submitted and decided on the papers. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 04/17/2023. (CAL) (Entered: 04/17/2023) |
| 04/19/2023 | 388 | NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings (TELEPHONE STATUS CCONFERENCE) held on 04/11/2023, before HONORABLE ELIZABETH A. WOLFORD. Court Reporter Karen J. Clark, RPR, KarenClark1013@AOL.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 5/10/2023. Redacted Transcript Deadline set for 5/22/2023. Release of Transcript Restriction set for 7/18/2023. (KJC) (Entered: 04/19/2023) |
| 04/19/2023 | 389 | NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings (TELEPHONE PRETRIAL CONFERENCE) held on 03/03/2023, before HONORABLE ELIZABETH A. WOLFORD. Court Reporter Karen J. Clark, RPR, KarenClark1013@AOL.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 5/10/2023. Redacted Transcript Deadline set for 5/22/2023. Release of Transcript Restriction set for 7/18/2023. (KJC) (Entered: 04/19/2023) |
| 05/08/2023 | 390 | ORDER (In-Person Settlement Conference set for 7/18/2023 at 1:30 PM before Hon. Marian W. |

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| | | <p>Payson. The parties are directed to be present in person. At least one week prior to the conference, each party shall submit directly to chambers a confidential settlement report.) Signed by Hon. Marian W. Payson on 5/8/2023. (KAH) (Entered: 05/08/2023)</p> |
| 05/11/2023 | 391 | Letter filed by Mary Van Brunt-Piehler as to Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny <i>re: page limit extension request.</i> (Ferris, Jonathan) (Entered: 05/11/2023) |
| 05/11/2023 | 392 | TEXT ORDER granting 391 Page Limit Request. Plaintiff's response in opposition to Defendants' Motion for Judgment as a Matter of Law (Dkt. 381) shall not exceed 35 pages in length. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 05/11/2023. (CAL) (Entered: 05/11/2023) |
| 05/12/2023 | 393 | Letter filed by Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny as to Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny <i>Regarding Scheduling of Mediation Per Dkt. 380.</i> (Kornfield, Joshua) (Entered: 05/12/2023) |
| 05/12/2023 | 394 | MEMORANDUM in Opposition re 384 MOTION for New Trial filed by Absolute Software Corporation, Absolute Software, Inc., Todd Awtry, Geoff Haydon, Thomas Kenny. (Attachments: # 1 Declaration Joshua R. Kornfield, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F, # 8 Exhibit G, # 9 Exhibit H, # 10 Exhibit I, # 11 Exhibit J, # 12 Exhibit K, # 13 Exhibit L, # 14 Exhibit M, # 15 Exhibit N, # 16 Exhibit O, # 17 Exhibit P, # 18 Exhibit Q, # 19 Exhibit R, # 20 Exhibit S, # 21 Exhibit T, # 22 Exhibit U)(Lestrade, Laura) (Entered: 05/12/2023) |
| 05/12/2023 | 395 | AFFIDAVIT in Opposition re 381 MOTION for Judgment as a Matter of Law filed by Mary Van Brunt-Piehler. (Attachments: # 1 Exhibit Exhibits A-G)(Ferris, Jonathan) (Entered: 05/12/2023) |

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| 05/12/2023 | 396 | RESPONSE in Opposition re 381 MOTION for Judgment as a Matter of Law filed by Mary Van Brunt-Piehler. (Ferris, Jonathan) (Entered: 05/12/2023) |
| 05/13/2023 | 397 | CONTINUATION OF EXHIBITS - Exhibits H-U to Plaintiff's to 395 AFFIDAVIT in Opposition to Defendants' Renewed Motion for Judgment as a Matter of Law. (Ferris, Jonathan) Modified on 5/15/2023 (TF). (Entered: 05/13/2023) |
| 05/26/2023 | 400 | RESPONSE in Support re 381 MOTION for Judgment as a Matter of Law filed by Absolute Software Corporation, Absolute Software, Inc.. (Attachments: # 1 Declaration Reply Declaration of Joshua R. Kornfield ISO RMJOL, # 2 Exhibit Ex. A - March 7, 2023 Trial Transcript Excerpts, # 3 Exhibit Ex. B - Trial Exhibit 443, # 4 Exhibit Ex. C - Trial Exhibit 644, # 5 Exhibit Ex. D - Trial Exhibit 645, # 6 Exhibit Ex. E - Court Exhibit 1A Excerpts, # 7 Exhibit Ex. F - March 13, 2023 Trial Transcript Excerpts, # 8 Exhibit Ex. G - Court Exhibit 2A Excerpts, # 9 Exhibit Ex. H - Trial Exhibit 787, # 10 Exhibit Ex. I - March 8, 2023 Trial Transcript Excerpts, # 11 Exhibit Ex. J - Trial Exhibit 34, # 12 Exhibit Ex. K - Awtry Deposition Transcript Excerpts, # 13 Exhibit Ex. L - Trial Exhibit 11, # 14 Exhibit Ex. M - March 15, 2023 Trial Transcript Excerpts)(Kornfield, Joshua) (Entered: 05/26/2023) |
| 05/26/2023 | 401 | REPLY to Response to Motion re 384 MOTION for New Trial filed by Mary Van Brunt-Piehler. (Attachments: # 1 Affidavit, # 2 Exhibit Exhibits A-E, # 3 Exhibit Exhibits F-K, # 4 Exhibit Exhibits L-N, # 5 Exhibit Exhibits O-S, # 6 Exhibit T)(Ferris, Jonathan) (Entered: 05/26/2023) |
| 06/02/2023 | 402 | LETTER ORDER (The application to excuse Mr. Chess's personal appearance is denied; the application to excuse the personal appearances of the individual defendants is granted.) Signed by Hon. Marian W. Payson on 6/2/2023. (KAH) (Entered: 06/05/2023) |
| 09/11/2023 | 404 | MOTION for Leave to File <i>Second Amended Complaint</i> by Mary Van Brunt-Piehler. |

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| | | (Attachments: # 1 Memorandum in Support, # 2 Affidavit, # 3 Exhibit)(Ferris, Jonathan) (Entered: 09/11/2023) |
| 09/12/2023 | 405 | TEXT ORDER re 404 Motion for Leave to File Second Amended Complaint. Responses are due on or before October 3, 2023; Replies are due on or before October 10, 2023. Upon review of the papers, the Court will determine if oral argument is necessary and, if so, will inform the parties of the date and time. Otherwise, the matter will be deemed submitted and decided on the papers. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 09/12/2023. (CAL) (Entered: 09/12/2023) |
| 09/26/2023 | 406 | Minute Entry for proceedings held before Hon. Marian W. Payson: Settlement Conference held on 9/26/2023. Case has not settled. Appearances: J. Nelson Thomas, Esq., Jonathan W. Ferris, Esq., Jessica L. Lukasiewicz, Esq. with plaintiff Mary VanBrunt-Piehler; Mark S. Sullivan, Esq., Laura M. Lestrade, Esq. with defendants' client representatives Peter Chess and Caitlin Jenkins. (KAH) (Entered: 09/27/2023) |
| 10/03/2023 | 407 | MEMORANDUM in Opposition re 404 MOTION for Leave to File <i>Second Amended Complaint</i> filed by Absolute Software Corporation, Absolute Software, Inc., Todd Awtry, Geoff Haydon, Thomas Kenny. (Lestrade, Laura) (Entered: 10/03/2023) |
| 10/03/2023 | 408 | DECLARATION signed by Laura Lestrade re 404 MOTION for Leave to File <i>Second Amended Complaint</i> filed by Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny filed by Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Lestrade, Laura) (Entered: 10/03/2023) |
| 10/03/2023 | 409 | DECLARATION signed by Peter Chess re 404 MOTION for Leave to File <i>Second Amended Complaint</i> filed by Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny filed by Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute |

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| | | Software, Inc., Thomas Kenny. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D)(Lestrade, Laura) (Entered: 10/03/2023) |
| 10/06/2023 | 410 | Letter filed by Mary Van Brunt-Piehler as to Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny . (Ferris, Jonathan) (Entered: 10/06/2023) |
| 10/10/2023 | 411 | TEXT ORDER granting 410 Plaintiff's request for an extension of time. Plaintiff shall file her reply brief in further support of her motion to file a second amended complaint on or before November 13, 2023. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 10/10/2023. (CAL) (Entered: 10/10/2023) |
| 11/13/2023 | 412 | Letter filed by Mary Van Brunt-Piehler as to Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny . (Ferris, Jonathan) (Entered: 11/13/2023) |
| 11/14/2023 | 413 | Letter filed by Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny as to Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny . (Lestrade, Laura) (Entered: 11/14/2023) |
| 01/08/2024 | 414 | TEXT ORDER re 381 Motion for Judgment of as a Matter of Law and 384 Motion for a New Trial. <u>Oral argument is scheduled for Friday, February 16, 2024, at 11:00 a.m.</u> , at the United States Courthouse, 100 State Street, Rochester, NY, before the Hon. Elizabeth A. Wolford. Due to the Court's congested calendar and the significant advance notice being provided, the parties are strongly discouraged from seeking an adjournment of this date, but in the event such an adjournment is requested, <u>any such request must be submitted on or before January 12, 2024</u> , and set forth mutually-convenient dates and times that the parties are available in February 2024. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 01/08/2024. (CAL) (Entered: 01/08/2024) |

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| 02/01/2024 | 415 | TEXT ORDER re 414 Oral Argument. The parties are advised that the Court intends to focus on Defendants' Motion for Judgment as a Matter of Law (Dkt. 381) at the oral argument on February 16, 2024. The parties shall prepare accordingly. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 02/01/2024. (CAL) (Entered: 02/01/2024) |
| 02/16/2024 | 416 | Minute Entry for proceedings held before Hon. Elizabeth A. Wolford: Appearances: J. Nelson Thomas, Esq., Jonathan W. Ferris, Esq., Jessica L. Lukasiewicz, Esq. and Erin K. Hanlon, Esq. on behalf of plaintiff; Laura M. Lestrade, Esq. and Mark S. Sullivan, Esq. on behalf of defendants. Oral Argument re 381 Motion for Judgment of as a Matter of Law and 384 Motion for a New Trial held on 2/16/2024. Court reserves decision pending receipt of limited scope supplemental briefing as discussed on the record. Submissions may be via letter form and are due by March 1, 2024. (Court Reporter Karen Clark.) (DPS) (Entered: 02/16/2024) |
| 02/20/2024 | 417 | NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings (ORAL AGRUMENT) held on 02/16/2024, before HONORABLE ELIZABETH A. WOLFORD. Court Reporter Karen J. Clark, RPR, KarenClark1013@AOL.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/12/2024. Redacted Transcript Deadline set for 3/22/2024. Release of Transcript Restriction set for 5/20/2024. (KJC) (Entered: 02/20/2024) |
| 03/01/2024 | 418 | Letter filed by Mary Van Brunt-Piehler <i>regarding supplemental briefing requested by the Court during 2/16/24 oral argument.</i> (Ferris, Jonathan) (Entered: 03/01/2024) |
| 03/01/2024 | 419 | Letter filed by Absolute Software Corporation, Absolute Software, Inc. <i>re: regarding supplemental briefing requested by the Court during 2/16/24 oral</i> |

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| | | <i>argument ECF Dkt. 416.</i> (Lestrade, Laura) (Entered: 03/01/2024) |
| 08/13/2024 | 420 | DECISION AND ORDER granting 381 Defendants' Motion for Judgment as a Matter of Law; denying 384 Plaintiff's Motion for a New Trial and 404 Motion for Leave to File a Second Amended Complaint. Signed by Hon. Elizabeth A. Wolford on 08/13/2024. (CAL) Clerk to Follow up (Entered: 08/13/2024) |
| 08/13/2024 | 421 | JUDGMENT in favor of Defendants against Mary Van Brunt-Piehler. Signed by Clerk of Court on 8/13/2024. (TF) (Entered: 08/13/2024) |
| 08/27/2024 | 422 | MOTION for Attorney Fees <i>Defendants' Motion for Nontaxable Costs</i> by Absolute Software Corporation, Absolute Software, Inc.. (Attachments: # 1 Declaration in Support, # 2 Exhibit A- Email re Mediation, # 3 Exhibit B- Mediator Invoice)(Lestrade, Laura) (Entered: 08/27/2024) |
| 08/27/2024 | 423 | TEXT ORDER re 422 Defendants' Motion for Nontaxable Costs. Responses are due on or before September 17, 2024. Replies are due on or before September 24, 2024. Upon review of the papers, the Court will determine if oral argument is necessary and, if so, will inform the parties of the date and time. Otherwise, the matter will be deemed submitted and decided on the papers. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 08/27/2024. (CAL) (Entered: 08/27/2024) |
| 09/09/2024 | 424 | Letter filed by Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny <i>Letter seeking correction of judgment at Dkt. 421.</i> (Lestrade, Laura) (Entered: 09/09/2024) |
| 09/10/2024 | | E-Filing Notification: This document contains a request for relief and should be filed as a motion. ACTION REQUIRED: Re-file document using the motion event re 424 Letter filed by Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny <i>Letter seeking correction of judgment at Dkt. 421.</i> (TF) (Entered: 09/10/2024) |

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| 09/10/2024 | 425 | MOTION to Amend/Correct 421 Judgment by Absolute Software Corporation, Absolute Software, Inc., Todd Awtry, Geoff Haydon, Thomas Kenny. (Attachments: # 1 2024.09.10 Letter from L. Lestrade to J. Wolford Seeking Correction of Judgment at Dkt. 421)(Lestrade, Laura) (Entered: 09/10/2024) |
| 09/10/2024 | 426 | NOTICE OF APPEAL by Mary Van Brunt-Piehler. Filing fee \$ 605, receipt number ANYWDC-5277212. (Thomas, J.) (Entered: 09/10/2024) |
| 09/12/2024 | 427 | TEXT ORDER re 425 Motion to Amend/Correct Judgment. Responses are due on or before October 2, 2024. Replies are due on or before October 9, 2024. Upon review of the papers, the Court will determine if oral argument is necessary and, if so, will inform the parties of the date and time. Otherwise, the matter will be deemed submitted and decided on the papers. SO ORDERED. Signed by Hon. Elizabeth A. Wolford on 09/12/2024. (CAL) (Entered: 09/12/2024) |
| 09/24/2024 | 431 | Trial Document by Mary Van Brunt-Piehler as to Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny <i>Trial Exhibits</i> . (Ferris, Jonathan) (Entered: 09/24/2024) |
| 09/24/2024 | 432 | Trial Document by Mary Van Brunt-Piehler as to Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny <i>Trial Exhibits</i> . (Ferris, Jonathan) (Entered: 09/24/2024) |
| 09/24/2024 | 433 | Trial Document by Mary Van Brunt-Piehler as to Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny <i>Trial Exhibits</i> . (Ferris, Jonathan) (Entered: 09/24/2024) |
| 09/24/2024 | 434 | Trial Document by Mary Van Brunt-Piehler as to Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny <i>Trial Exhibits</i> . (Ferris, Jonathan) (Entered: 09/24/2024) |

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| 09/24/2024 | 435 | Trial Document by Mary Van Brunt-Piehler as to Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny <i>Trial Exhibits</i> . (Ferris, Jonathan) (Entered: 09/24/2024) |
| 09/24/2024 | 436 | Trial Document by Mary Van Brunt-Piehler as to Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny <i>Trial Exhibits</i> . (Ferris, Jonathan) (Entered: 09/24/2024) |
| 09/24/2024 | 437 | NOTICE OF REQUIRED CASE STATUS UPDATE sent by the Second Circuit Court of Appeals. (TF) (Entered: 09/24/2024) |
| 09/24/2024 | 438 | Trial Document by Mary Van Brunt-Piehler as to Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny <i>Trial Exhibits</i> . (Ferris, Jonathan) (Entered: 09/24/2024) |
| 09/24/2024 | 439 | Trial Document by Mary Van Brunt-Piehler as to Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny <i>Trial Exhibits</i> . (Ferris, Jonathan) (Entered: 09/24/2024) |
| 09/24/2024 | 440 | Trial Document by Mary Van Brunt-Piehler as to Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny <i>Trial Exhibits</i> . (Ferris, Jonathan) (Entered: 09/24/2024) |
| 09/24/2024 | 441 | Trial Document by Mary Van Brunt-Piehler as to Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny <i>Trial Exhibits</i> . (Ferris, Jonathan) (Entered: 09/24/2024) |
| 09/24/2024 | 442 | Trial Document by Mary Van Brunt-Piehler as to Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny <i>Trial Exhibits</i> . (Ferris, Jonathan) (Entered: 09/24/2024) |
| 09/24/2024 | 443 | Trial Document by Mary Van Brunt-Piehler as to Todd Awtry, Geoff Haydon, Absolute Software |

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| | | Corporation, Absolute Software, Inc., Thomas Kenny <i>Trial Exhibits.</i> (Ferris, Jonathan) (Entered: 09/24/2024) |
| 09/24/2024 | 444 | Trial Document by Mary Van Brunt-Piehler as to Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny <i>Court Exhibit 1A.</i> (Ferris, Jonathan) (Entered: 09/24/2024) |
| 09/24/2024 | 445 | Trial Document by Mary Van Brunt-Piehler as to Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny <i>Court Exhibit 2A.</i> (Ferris, Jonathan) (Entered: 09/24/2024) |
| 09/24/2024 | 446 | Trial Document by Mary Van Brunt-Piehler as to Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny <i>Court Exhibit 3A.</i> (Ferris, Jonathan) (Entered: 09/24/2024) |
| 09/24/2024 | 447 | Trial Document by Mary Van Brunt-Piehler as to Todd Awtry, Geoff Haydon, Absolute Software Corporation, Absolute Software, Inc., Thomas Kenny <i>Trial Exhibits.</i> (Ferris, Jonathan) (Entered: 09/24/2024) |

Dated: September 24, 2024

THOMAS & SOLOMON PLLC

By: /s/ Jonathan W. Ferris
 J. Nelson Thomas, Esq.
 Jonathan W. Ferris, Esq.
Attorneys for Plaintiff
 693 East Avenue
 Rochester, New York 14607
 Telephone: (585) 272-0540
 nthomas@theemploymentattorneys.com
 jferris@theemploymentattorneys.com